

# Exhibit B - Lif Deposition

Officer Ashley Lif ~ April 4, 2019  
\* \* \* Videotaped Deposition \* \* \*

Page 166

1 CERTIFICATE OF REPORTER

2 I, Cynthia K. DuRivage, a Certified Court  
3 Reporter of the State of Nevada, do hereby certify:

4 That the foregoing proceedings were taken  
5 before me at the time and place herein set forth;  
6 that any witnesses in the foregoing proceedings,  
7 prior to testifying, were duly sworn; that a record  
8 of the proceedings was made by me using machine  
9 shorthand which was thereafter transcribed under my  
10 direction; that the foregoing transcript is a true  
11 record of the testimony given.

12 I further certify I am neither financially  
13 interested in the action nor a relative or employee  
14 of any attorney or party to this action.

15 IN WITNESS WHEREOF, I have this date  
16 subscribed my name.

17 Dated: April 15, 2019

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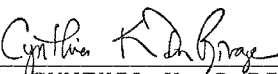
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CYNTHIA K. DuRIVAGE  
CCR No. 451

Officer Ashley Lif ~ April 4, 2019  
\* \* \* Videotaped Deposition \* \* \*

Page 1

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

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5 TRINITA FARMER, individually, )

6 Plaintiff, ) Case No.

7 vs. ) 2:18-cv-00860-GMN-VCF

8 )

8 LAS VEGAS METROPOLITAN POLICE )

9 DEPARTMENT, a subdivision of )

10 the STATE OF NEVADA; KENNETH )

11 LOPERA, individually; TRAVIS )

12 CRUMRINE, individually; )

13 MICHAEL TRAN, individually; )

14 MICHAEL FLORES, individually, )

15 )

16 Defendants. )

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**CONDENSED  
TRANSCRIPT**

15 VIDEOTAPED DEPOSITION OF OFFICER ASHLEY LIF

16 Taken on Thursday, April 4, 2019

17 At 10:07 a.m.

18 3005 West Horizon Ridge Parkway

19 Suite 241

20 Henderson, Nevada

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25 Reported by: Cynthia K. DuRivage, CCR No. 451

Officer Ashley Lif ~ April 4, 2019  
\* \* \* Videotaped Deposition \* \* \*

2 (Pages 2 to 5)

| Page 2  | Page 4  |
|---|---|
| <p>1 APPEARANCES:<br/>2 For the Plaintiff:<br/>3 ANDRE M. LAGOMARSINO, ESQ.<br/>4 Lagomarsino Law<br/>5 3005 West Horizon Ridge Parkway<br/>6 Suite 241<br/>7 Henderson, Nevada 89052<br/>8 (702) 383-0065</p> <p>9 For the Las Vegas Metropolitan Police Department,<br/>10 Travis Crumrine, Michael Tran, Michael Flores:<br/>11 CRAIG R. ANDERSON, ESQ.<br/>12 Marquis Aurbach Coffing<br/>13 10001 Park Run Drive<br/>14 Las Vegas, Nevada 89145<br/>15 (702) 382-0711</p> <p>16 For the Defendant Kenneth Lopera:<br/>17 DANIEL R. McNUTT, ESQ.<br/>18 McNutt Law Firm, P.C.<br/>19 625 South 8th Street<br/>20 Las Vegas, Nevada 89101<br/>21 (702) 384-1170</p> <p>22 Also Present:<br/>23 Joshua L. Kincaid, Legal Videographer<br/>24<br/>25 * * * * *</p> | <p>1 LAS VEGAS, NEVADA; THURSDAY, APRIL 4, 2019<br/>2 10:07 A.M.<br/>3 ---oOo---</p> <p>4<br/>5 THE VIDEOGRAPHER: Good morning. Today is<br/>6 Thursday, April 4th, 2019. The time is approximately<br/>7 10:07 a.m.<br/>8 This begins the video deposition of Ashley<br/>9 Lif.<br/>10 We are located at Lagomarsino Law,<br/>11 3005 West Horizon Ridge Parkway, Suite 241,<br/>12 Henderson, Nevada 89052.<br/>13 My name is Joshua Kincaid, court<br/>14 videographer with Las Vegas Legal Video.<br/>15 This is United States District Court,<br/>16 District of Nevada, Case No. 218-CV-00860-GMN-VCF, in<br/>17 the matter of Trinita Farmer, plaintiff, versus<br/>18 Las Vegas Metropolitan Police Department, et al.,<br/>19 defendants.<br/>20 This video deposition is requested by the<br/>21 attorney for the plaintiff.<br/>22 Will counsel and all present please state<br/>23 your appearances for the record.<br/>24 MR. LAGOMARSINO: Andre Lagomarsino for the<br/>25 plaintiff.</p> |
| Page 3  | Page 5  |
| <p>1 I N D E X<br/>2 WITNESS: OFFICER ASHLEY LIF<br/>3 PAGE<br/>4 Examination by Mr. Lagomarsino 5<br/>5 Examination by Mr. McNutt 76<br/>6 Further Examination by Mr. Lagomarsino 148<br/>7 Further Examination by Mr. McNutt 156<br/>8 Further Examination by Mr. Lagomarsino 161</p> <p>9<br/>10<br/>11 E X H I B I T S<br/>12 (NONE MARKED.)<br/>13<br/>14<br/>15<br/>16<br/>17<br/>18<br/>19<br/>20<br/>21<br/>22<br/>23<br/>24<br/>25</p>   | <p>1 MR. McNUTT: Dan McNutt on behalf of<br/>2 Officer Lopera.<br/>3 MR. ANDERSON: Craig Anderson on behalf of<br/>4 defendants Las Vegas Metropolitan Police Department,<br/>5 Travis Crumrine, Michael Flores, and Michael Tran.<br/>6 THE VIDEOGRAPHER: The deponent may now be<br/>7 sworn in by Cindy DuRivage.<br/>8<br/>9 OFFICER ASHLEY LIF,<br/>10 having been first duly sworn to testify to the truth,<br/>11 the whole truth, and nothing but the truth, was<br/>12 examined and testified as follows:<br/>13<br/>14 EXAMINATION<br/>15 BY MR. LAGOMARSINO:<br/>16 Q. Could you please state your name and spell<br/>17 your last name for the record.<br/>18 A. Ashley Lif, L-i-f.<br/>19 Q. Have you ever had your deposition taken<br/>20 before?<br/>21 A. Yes.<br/>22 Q. On how many occasions?<br/>23 A. One.<br/>24 Q. And did that deposition involve this case?<br/>25 A. Yes.</p>   |

Officer Ashley Lif ~ April 4, 2019  
\* \* \* Videotaped Deposition \* \* \*

3 (Pages 6 to 9)

| Page 6  | Page 8   |
|---|--|
| <p>1 Q. All right. You understand you're under<br/>2 oath today?<br/>3 A. Yes.<br/>4 Q. And it's very important that you understand<br/>5 all the questions today. If you don't understand a<br/>6 question, please let me know, I'll be happy to<br/>7 rephrase.<br/>8 A. Yes.<br/>9 Q. We have a videographer here today, but the<br/>10 official record is that of the court reporter.<br/>11 Excuse me. It's very difficult for the court<br/>12 reporter to take down two people talking at once, so<br/>13 I'd ask that you allow me to finish my questions, and<br/>14 I'll try my best to allow you to finish your answers.<br/>15 Is that right?<br/>16 A. Yes.<br/>17 Q. If at some point, I say is that a "Yes" or<br/>18 is that a "No," I'm not trying to be rude, I'm just<br/>19 trying to make sure that we have a clear record.<br/>20 Okay?<br/>21 A. Yes.<br/>22 Q. All right. Do you know the difference<br/>23 between an estimate and a guess?<br/>24 A. No.<br/>25 Q. Okay. Sometimes it's different in real</p>   | <p>1 Q. When were you hired?<br/>2 A. July of 2015.<br/>3 Q. Were you in the military?<br/>4 A. Yes.<br/>5 Q. Are you still in the military?<br/>6 A. Yes.<br/>7 Q. Are you on a Reserve status?<br/>8 A. Yes.<br/>9 Q. Thank you for your service.<br/>10 When did you first join the military?<br/>11 A. I believe it was August 2013.<br/>12 Q. And what branch?<br/>13 A. Army Reserve.<br/>14 Q. Can you briefly tell me the extent of your<br/>15 education.<br/>16 A. I have a Bachelor's in criminal intel from<br/>17 Mercer Hearst University in Erie, Pennsylvania, and I<br/>18 have a Master's in intelligence analysis in<br/>19 terrorism.<br/>20 Q. From the same university?<br/>21 A. From American Military University. It's a<br/>22 public university.<br/>23 Q. Where are you from originally?<br/>24 A. Cheyenne, Wyoming.<br/>25 Q. When did you move to Las Vegas?</p>  |
| Page 7  | Page 9   |
| <p>1 life, as it is in, I guess, the deposition world, but<br/>2 you know, if I asked you to give me an estimate of<br/>3 the length of this table, you could tell me; but if I<br/>4 asked you to tell me how long my desk was in my<br/>5 office, you haven't been in there, so you'd be<br/>6 guessing.<br/>7 So you're allowed to estimate, we just<br/>8 don't want you to guess today. Okay?<br/>9 A. Yes.<br/>10 Q. At the conclusion of this deposition,<br/>11 you'll have an opportunity to review your testimony<br/>12 and make any changes.<br/>13 It is very common for people to make<br/>14 changes to spelling and things of a minor nature, but<br/>15 if you make a change to an important question and<br/>16 answer, we'll have an opportunity to comment on your<br/>17 credibility at time of trial.<br/>18 Do you understand?<br/>19 A. Yes.<br/>20 Q. Do you have any questions for me before we<br/>21 begin?<br/>22 A. No.<br/>23 Q. What is your current occupation?<br/>24 A. Police officer with Las Vegas Metropolitan<br/>25 Police Department.</p> | <p>1 A. 2005.<br/>2 Q. And what brought you to Vegas?<br/>3 A. I ran track at UNLV. I never graduated<br/>4 from there, though.<br/>5 Q. Have you ever run cross country?<br/>6 A. Yes.<br/>7 Q. Were you involved in an incident with<br/>8 Kenneth Lopera on or about May 14th, 2017 and Tashii<br/>9 Farmer?<br/>10 A. Yes.<br/>11 Q. Do you remember giving a couple statements<br/>12 in this case?<br/>13 A. Yes.<br/>14 Q. What was the first statement that you gave?<br/>15 A. I believe it was that night as a witness<br/>16 officer for FIT.<br/>17 Q. And what is your understanding of what FIT<br/>18 is?<br/>19 A. It's an acronym for the force investigation<br/>20 team, to my understanding. It's the branch of, I<br/>21 believe, the office of internal oversight that<br/>22 oversees like a criminal, I guess, aspect.<br/>23 Q. Do you remember where you gave the<br/>24 statement?<br/>25 A. I believe it was just outside of the</p> |

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4 (Pages 10 to 13)

| Page 10   | Page 12   |
|---|---|
| <p>1 Venetian.</p> <p>2 Q. And were you in a vehicle?</p> <p>3 A. Yes.</p> <p>4 Q. And what kind of a vehicle were you in?</p> <p>5 A. I don't know. I cannot recall.</p> <p>6 Q. Was it your vehicle or somebody else's?</p> <p>7 A. It was, I believe, an undercover. It</p> <p>8 wasn't a marked car. I'm not sure whose vehicle it</p> <p>9 was.</p> <p>10 Q. All right. And who was in the vehicle with</p> <p>11 you?</p> <p>12 A. I remember my union rep, Bryan Yant. I</p> <p>13 cannot remember the detective.</p> <p>14 Q. Does Detective Jex ring a bell?</p> <p>15 A. Possibly. I cannot recall.</p> <p>16 Q. Were you in the back seat?</p> <p>17 A. I was in the front seat.</p> <p>18 Q. And where was the detective?</p> <p>19 A. He was in the driver's seat.</p> <p>20 Q. And then Detective Yant?</p> <p>21 A. Back seat.</p> <p>22 Q. Do you recall when you first saw Bryan Yant</p> <p>23 at the scene?</p> <p>24 A. I cannot recall. I believe it was</p> <p>25 somewhere outside of that car. It was the first time</p>  | <p>1 Q. And was that after you gave your statement?</p> <p>2 A. Yes.</p> <p>3 Q. Have you ever given a FIT statement on any</p> <p>4 other occasion?</p> <p>5 A. For the October 1st shooting.</p> <p>6 Q. I understand you got an award for that as</p> <p>7 well --</p> <p>8 A. Yes.</p> <p>9 Q. -- is that correct?</p> <p>10 A. (No audible response.)</p> <p>11 Q. How long had you been Kenneth Lopera's</p> <p>12 partner at the time of the incident?</p> <p>13 A. I'd say a few months. Earlier in 2017, I</p> <p>14 was gone for military training. I can't remember, I</p> <p>15 think I came back somewhere around April. I don't</p> <p>16 remember the exact date. So not too long. A couple</p> <p>17 weeks, months. To be exact, I don't know.</p> <p>18 Q. If you could give an estimate as to how</p> <p>19 many times you partnered up with him, like how many</p> <p>20 nights before this incident.</p> <p>21 A. Maybe 10. Confidently, I'm not a hundred</p> <p>22 percent sure.</p> <p>23 Q. I saw somewhere in a statement that you</p> <p>24 usually partner up with him on like Fridays and</p> <p>25 Saturdays.</p>                      |
| Page 11   | Page 13   |
| <p>1 I've met him, first time I've seen him.</p> <p>2 Q. And how did you come to learn that he would</p> <p>3 be your union rep?</p> <p>4 A. He had the PPA shirt on, and I believe he</p> <p>5 said that he was going to be my rep. I can't recall</p> <p>6 exact.</p> <p>7 Q. Okay. Was he selected for you, to your</p> <p>8 knowledge?</p> <p>9 A. To my knowledge, yes.</p> <p>10 Q. And do you know who selected him for you?</p> <p>11 A. I have no idea.</p> <p>12 Q. Do you remember approximately what time the</p> <p>13 incident with Mr. Farmer took place?</p> <p>14 A. I want to say somewhere after midnight.</p> <p>15 Q. The records we show, we understand it's</p> <p>16 probably just an estimate, says about 12:56.</p> <p>17 Does that sound about accurate to you?</p> <p>18 A. On or about, yeah.</p> <p>19 Q. And then, it looks like you gave a</p> <p>20 statement at about 4:25.</p> <p>21 Does that sound about right, four hours</p> <p>22 later?</p> <p>23 A. Didn't feel like that long, but...</p> <p>24 Q. Did you ever leave the scene?</p> <p>25 A. When I was released at the end of the day.</p> | <p>1 Is that accurate?</p> <p>2 A. Yes. We would change partners around a</p> <p>3 lot, so even though we would be consistent partners,</p> <p>4 it wasn't always steadfast that he and I were going</p> <p>5 to be together, but predominantly, he and I were</p> <p>6 partnered.</p> <p>7 Q. And what unit were you on together or</p> <p>8 squad?</p> <p>9 A. Oh, it was a flex squad.</p> <p>10 Q. Can you describe what a flex squad is?</p> <p>11 A. It's a squad that can augment patrol and</p> <p>12 still help with detectives. Mostly a proactive</p> <p>13 squad. Handled little to no calls for service.</p> <p>14 Q. Would you ride around in a vehicle with</p> <p>15 him?</p> <p>16 A. Yes.</p> <p>17 Q. Was most of your time riding around in a</p> <p>18 vehicle or walking around?</p> <p>19 A. I'd say mostly vehicle unless it was on a</p> <p>20 Friday or Saturday night on Safe Strip nights. It</p> <p>21 was an instruct duty foot patrol.</p> <p>22 Q. And how long were your shifts when you</p> <p>23 would work with him?</p> <p>24 A. Our shifts would start at 20:00 hours and</p> <p>25 end at 06. So give or take, 10 hours.</p> |

Officer Ashley Lif ~ April 4, 2019  
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5 (Pages 14 to 17)

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| <p style="text-align: right;">Page 14</p> <p>1 Q. So I'm assuming during those shifts, you'd<br/>2 have an opportunity to talk with him?<br/>3 A. Yes.<br/>4 Q. And during those shifts, are you used to<br/>5 arresting people all the time?<br/>6 A. Not all the time.<br/>7 Q. What is a typical shift?<br/>8 A. Being proactive, I would say stopping<br/>9 people were in, you know, violation of Strip corridor<br/>10 laws, for example, maybe like a glass bottle.<br/>11 Specifically an arrest that he and I did, I<br/>12 can't remember. I remember we had one DUI, but to<br/>13 the details of that, I'm not sure.<br/>14 Q. Did you get to know him as a person when<br/>15 you worked with him?<br/>16 A. Yes, but a lot of it was mostly business.<br/>17 Even though he and I were friends while we were at<br/>18 work, we never associated with each other outside of<br/>19 work.<br/>20 Q. Did he talk about what he liked to do in<br/>21 his spare time?<br/>22 A. I can't recall. I know that he was very<br/>23 involved with his family, and I believe he had two<br/>24 boys and a wife. And we talked a lot about military,<br/>25 like his prior experience, and since he was out and I</p> | <p style="text-align: right;">Page 16</p> <p>1 Q. Were you aware that he competed?<br/>2 MR. McNUTT: Objection, form.<br/>3 BY MR. LAGOMARSINO:<br/>4 Q. You can answer. Yeah.<br/>5 A. Now that you mention, I remember him saying<br/>6 that he did have one competition. I don't know what<br/>7 results of that were.<br/>8 Q. And what is your understanding of his<br/>9 military service?<br/>10 A. I believe he was a scrolled Ranger. Never<br/>11 went through selection. I can't remember what group.<br/>12 I know he had at least one deployment. I<br/>13 can't remember where, if it was in Iraq or<br/>14 Afghanistan. I don't know what year or what his<br/>15 occupation was.<br/>16 Q. Now, you've mentioned that that was the<br/>17 first time that you met Bryan Yant, that night?<br/>18 A. Yes.<br/>19 Q. How many times have you spoken with Bryan<br/>20 Yant, either in person or --<br/>21 A. In person since then?<br/>22 Q. Yeah.<br/>23 A. In a formal set or just in casual passing?<br/>24 Q. Let's say formal.<br/>25 A. For formal?</p>  |
| <p style="text-align: right;">Page 15</p> <p>1 was still in, you know, the Reserves.<br/>2 Anything beyond that personal, that's all I<br/>3 can recall. And him previously being a CO, but that<br/>4 was it.<br/>5 Q. Were you aware that he participated in<br/>6 jujitsu?<br/>7 MR. McNUTT: Objection, form, lacks<br/>8 foundation.<br/>9 BY MR. LAGOMARSINO:<br/>10 Q. So sorry, I didn't give you that<br/>11 instruction. From time to time, these lawyers over<br/>12 here may be objecting. They're not doing it<br/>13 presumably to be obstructive. There's not a judge<br/>14 here to rule on their objections, so if you<br/>15 understand the question, please answer the question<br/>16 after they have an opportunity to make the objection.<br/>17 A. Thanks.<br/>18 Q. Were you aware that he participated in<br/>19 jujitsu?<br/>20 A. Vaguely.<br/>21 MR. McNUTT: Same objection. Go ahead.<br/>22 BY MR. LAGOMARSINO:<br/>23 Q. You can answer.<br/>24 A. Vaguely. He and I didn't talk too much on<br/>25 it, but I believe that he was only like a white belt.</p>   | <p style="text-align: right;">Page 17</p> <p>1 Q. Yes.<br/>2 A. Less than five.<br/>3 Q. And what were your interactions? Where did<br/>4 they take place?<br/>5 A. It was all revolving around this event. I<br/>6 remember he was my PPA rep for the CIRT interview.<br/>7 Q. And when you met with him, where would you<br/>8 meet with him?<br/>9 A. It was at headquarters.<br/>10 Q. Who else would be present besides the two<br/>11 of you?<br/>12 A. In the CIRT interview?<br/>13 Q. No, just when you met with him informally.<br/>14 A. The first time, I was with the FIT<br/>15 detective. The second time, I believe it was the<br/>16 CIRT interview, and that was with a PEAP rep, Mike<br/>17 Springer.<br/>18 And then, do you want the next few?<br/>19 Q. Yes, please.<br/>20 A. Okay. I believe the next time after that<br/>21 was the Tactical Review Board, which was at<br/>22 headquarters. He was not my rep at that point.<br/>23 And then, I can't recall specifics after<br/>24 that. That might actually be the only formal times<br/>25 that we've -- that we've met. Everything else was</p> |

Officer Ashley Lif ~ April 4, 2019  
\* \* \* Videotaped Deposition \* \* \*

6 (Pages 18 to 21)

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|---|--|
| <p style="text-align: right;">Page 18</p> <p>1 informal.</p> <p>2 Q. Okay. Informally, how would you meet him?</p> <p>3 A. Just in passing.</p> <p>4 Q. Like where would you pass him?</p> <p>5 A. At headquarters. Whether he was there to</p> <p>6 rep someone else or he was there for something that I</p> <p>7 wasn't aware of.</p> <p>8 Q. Did you ever associate with him outside of</p> <p>9 informal interactions at headquarters?</p> <p>10 A. Outside, not that I can recall. I remember</p> <p>11 before we went to the CIRT interview, we went to</p> <p>12 breakfast because I was nervous about that, and it</p> <p>13 was a way to calm me down, I guess. We went to eat</p> <p>14 prior.</p> <p>15 Q. Where did you guys go to eat?</p> <p>16 A. I can't remember. I don't know. I have no</p> <p>17 idea what it's called.</p> <p>18 Q. Why did he stop representing you at the</p> <p>19 Tactical Review Board?</p> <p>20 A. I felt like it was a conflict of interest</p> <p>21 because he was repping other people involved in the</p> <p>22 case. And so, I requested a separate rep.</p> <p>23 Q. Who became your new representative?</p> <p>24 A. Tyler Todd.</p> <p>25 MR. McNUTT: I'm sorry. What was that?</p> | <p style="text-align: right;">Page 20</p> <p>1 A. I believe it's 12 months.</p> <p>2 Q. So tell me about the contact. Did they</p> <p>3 say, hey, we're going to give you a contact and you</p> <p>4 should have initiated radio traffic, or is it --</p> <p>5 A. Yeah.</p> <p>6 Q. Is it formal, is it in writing?</p> <p>7 A. It was in writing. It's my understanding</p> <p>8 that a contact is not a formal, like an official form</p> <p>9 of discipline.</p> <p>10 I interpret it as discipline. It is a</p> <p>11 documented negative conversation that I had with my</p> <p>12 supervisor on what I should have done or what I could</p> <p>13 do better for, you know, next time.</p> <p>14 Q. The next time, okay.</p> <p>15 Do you have an understanding of what</p> <p>16 discipline was rendered in this case for any other</p> <p>17 individuals?</p> <p>18 A. To my understanding, that Tran and Flores</p> <p>19 had gotten a contact for their body camera.</p> <p>20 Sergeant Crumrine had lost his stripes.</p> <p>21 And then as far as what happened with</p> <p>22 Lopera, I believe he retired before any contact --</p> <p>23 or, any discipline was given by the department.</p> <p>24 Q. So it's your understanding that</p> <p>25 Officer Lopera was not disciplined, correct?</p> |
| <p style="text-align: right;">Page 19</p> <p>1 THE WITNESS: Tyler Todd.</p> <p>2 MR. McNUTT: Tyler Todd.</p> <p>3 BY MR. LAGOMARSINO:</p> <p>4 Q. What was the outcome -- strike that.</p> <p>5 Did you receive any discipline as a result</p> <p>6 of this incident?</p> <p>7 A. Yes.</p> <p>8 Q. What discipline did you receive?</p> <p>9 A. It was a form of a contact that I violated</p> <p>10 department policy, that I didn't give out radio</p> <p>11 traffic that my partner and I were separated.</p> <p>12 Q. Just the no radio traffic issue?</p> <p>13 A. Yeah.</p> <p>14 Q. Was there any discipline related to the</p> <p>15 body cams?</p> <p>16 A. No, not for me.</p> <p>17 Q. And when you say contact, what's that?</p> <p>18 A. A form of having, I guess, something</p> <p>19 tangible as something that my supervisor and I had a</p> <p>20 conversation about my shortcoming.</p> <p>21 Q. And at some point, is it your understanding</p> <p>22 that that contact gets removed from your file?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. How long after the contact was</p> <p>25 given?</p>   | <p style="text-align: right;">Page 21</p> <p>1 MR. McNUTT: Objection to form.</p> <p>2 MR. ANDERSON: Objection, form.</p> <p>3 BY MR. LAGOMARSINO:</p> <p>4 Q. You can answer.</p> <p>5 MR. ANDERSON: Yeah.</p> <p>6 BY MR. LAGOMARSINO:</p> <p>7 Q. When they say, "form," they're saying they</p> <p>8 don't like the form of my question.</p> <p>9 A. Okay.</p> <p>10 MR. McNUTT: Which encompasses a variety of</p> <p>11 other objections.</p> <p>12 THE WITNESS: Because it confuses me.</p> <p>13 MR. McNUTT: But for simplicity, unless</p> <p>14 your lawyer tells you not to answer, once we make an</p> <p>15 objection, please answer his question.</p> <p>16 THE WITNESS: Okay. Just so I understand,</p> <p>17 you're asking if I know that he received any</p> <p>18 discipline?</p> <p>19 BY MR. LAGOMARSINO:</p> <p>20 Q. Correct.</p> <p>21 A. I believe he retired before any discipline</p> <p>22 could have been given.</p> <p>23 Q. Okay. And then, did he retire with his</p> <p>24 benefits intact, to your knowledge?</p> <p>25 MR. ANDERSON: Objection, form.</p>  |



Officer Ashley Lif ~ April 4, 2019  
\* \* \* Videotaped Deposition \* \* \*

7 (Pages 22 to 25)

| Page 22  | Page 24   |
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| <p>1 MR. McNUTT: Objection, form.</p> <p>2 MR. ANDERSON: Go ahead.</p> <p>3 THE WITNESS: I believe so because he was</p> <p>4 tenured from his CO experience he had, I think, five</p> <p>5 years on.</p> <p>6 BY MR. LAGOMARSINO:</p> <p>7 Q. Besides -- strike that.</p> <p>8 Other than this situation, have you ever</p> <p>9 received any discipline from Metro?</p> <p>10 A. Not that I can recall.</p> <p>11 Q. To your knowledge, had Officer Lopera ever</p> <p>12 been disciplined?</p> <p>13 A. Not that I know of.</p> <p>14 Q. Had he ever described any incidents as a CO</p> <p>15 where he had to utilize violence to subdue an inmate?</p> <p>16 MR. McNUTT: Objection, form --</p> <p>17 MR. ANDERSON: Objection as to form.</p> <p>18 MR. McNUTT: -- vague.</p> <p>19 MR. ANDERSON: Yeah.</p> <p>20 THE WITNESS: Do I still answer?</p> <p>21 MR. ANDERSON: Yeah, you can answer it.</p> <p>22 THE WITNESS: Not that I know of from when</p> <p>23 he was a CO.</p> <p>24 I remember him talking about doing an LVNR</p> <p>25 on someone. I wasn't there. I was still in</p>   | <p>1 A. I don't know.</p> <p>2 Q. And just so we can get the timeline right</p> <p>3 with counsel, was he talking about this when he</p> <p>4 was -- I guess what general time period was he</p> <p>5 talking about this would have happened?</p> <p>6 A. This was many, many months prior to the</p> <p>7 incident that we're talking about today. We were</p> <p>8 still in training.</p> <p>9 Q. Okay.</p> <p>10 A. Still in the field training program.</p> <p>11 Q. Field training?</p> <p>12 A. Um-hum.</p> <p>13 Q. You were out of the academy?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Have you spoken to him since this</p> <p>16 incident?</p> <p>17 A. No.</p> <p>18 Q. Have you emailed or --</p> <p>19 A. No.</p> <p>20 Q. -- social media or anything like that?</p> <p>21 A. No.</p> <p>22 Q. I'm going to ask you some questions that</p> <p>23 have been already asked of you, but counsel here</p> <p>24 hasn't stipulated to using your deposition, so we</p> <p>25 have to go through them.</p>   |
| Page 23  | Page 25   |
| <p>1 training. But he would just mention it in passing.</p> <p>2 That was the only thing. I don't know if any</p> <p>3 discipline came from that.</p> <p>4 BY MR. LAGOMARSINO:</p> <p>5 Q. So he had done an LVNR -- he had said to</p> <p>6 you in training he had done an LVNR to somebody at</p> <p>7 some point?</p> <p>8 A. Yes.</p> <p>9 Q. And you sat next to him in training; is</p> <p>10 that correct?</p> <p>11 A. Yes, based on our last names.</p> <p>12 Q. Okay. I guess if I would have gone through</p> <p>13 the academy, I would be around you guys too, but I</p> <p>14 don't know that I would have been accepted.</p> <p>15 A. It would have been fine.</p> <p>16 Q. Did he describe the general circumstances</p> <p>17 of that LVNR?</p> <p>18 A. Not that I can recall specifics. I</p> <p>19 remember him saying that he went into a house, I</p> <p>20 can't remember what kind of call it was, if it was</p> <p>21 another disturbance or domestic related, I'm not</p> <p>22 sure. I don't remember what area command or even</p> <p>23 when it was. But I recall him saying in order to</p> <p>24 subdue someone, that's what he had to do.</p> <p>25 Q. Was it like a domestic call or something?</p> | <p>1 MR. ANDERSON: Objection, form.</p> <p>2 BY MR. LAGOMARSINO:</p> <p>3 Q. So what were you wearing that evening?</p> <p>4 A. Department-issued uniform. It was like the</p> <p>5 ODI green BDU top and bottom, Metro police patches on</p> <p>6 both right and left shoulder with the zone badge area</p> <p>7 command that I worked in and my last name.</p> <p>8 My duty belt, I can go through that if you</p> <p>9 would like.</p> <p>10 Q. Yes, please.</p> <p>11 A. Okay. I believe -- let's go in a</p> <p>12 counter -- or, clockwise. My magazine pouch, my duty</p> <p>13 weapon. I believe my baton was right after that.</p> <p>14 Two sets of handcuffs on my back. I believe it was</p> <p>15 my OC spray, TASER, and flashlight. I believe that</p> <p>16 was the order that I had it that night. It's changed</p> <p>17 since then, so.</p> <p>18 Q. Did you have like a radio with a belt on?</p> <p>19 A. Yes, and a radio.</p> <p>20 Q. And what is a BDU?</p> <p>21 A. Acronym, I don't know what it stands for.</p> <p>22 It's more like a tactical uniform.</p> <p>23 Q. All right. So before you went to the</p> <p>24 Venetian that evening, where were you immediately</p> <p>25 before then?</p> |

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 \* \* \* Videotaped Deposition \* \* \*

8 (Pages 26 to 29)

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|---|---|
| <p style="text-align: right;">Page 26</p> <p>1 A. The Hawaiian market.<br/>         2 THE REPORTER: The what market?<br/>         3 THE WITNESS: Hawaiian.<br/>         4 BY MR. LAGOMARSINO:<br/>         5 Q. Do you remember when you started your shift<br/>         6 that evening?<br/>         7 A. Standard time, 2000 hours.<br/>         8 Q. And approximately how long were you at the<br/>         9 Hawaiian market?<br/>         10 A. Possibly an hour. I can't recall.<br/>         11 Q. So I think you had three call signs that<br/>         12 evening; is that correct?<br/>         13 A. Yeah. It was multiple.<br/>         14 Q. Does a call sign basically explain the<br/>         15 location where you're at?<br/>         16 A. For the Safe Strip evenings, yes.<br/>         17 Q. So then, you guys go to the Venetian.<br/>         18 Where do you guys park?<br/>         19 A. On the south side of the Venetian, there's<br/>         20 like an employee loading dock area. I don't know how<br/>         21 to describe it. It's kind of like a -- it's enclave<br/>         22 from one of the main roadways to get under the<br/>         23 Venetian, and that's where we parked. That's usually<br/>         24 where we always park to go into like security or like<br/>         25 to an EDR.</p> | <p style="text-align: right;">Page 28</p> <p>1 Q. -- of espresso?<br/>         2 A. (No audible response.)<br/>         3 Q. Sometimes people know each other's drinks.<br/>         4 I know we do around here.<br/>         5 A. Oh, yeah.<br/>         6 Q. Usually, the person who buys knows the<br/>         7 drink better than anyone else, so.<br/>         8 Did Officer Lopera ever describe any other<br/>         9 hobbies that he had, do you know, at any time?<br/>         10 A. Not that I can recall.<br/>         11 Q. Did he like to work out?<br/>         12 A. I believe so, but specifics, I don't -- I<br/>         13 don't recall us talking about working out or<br/>         14 specific, I guess, workouts.<br/>         15 Q. All right. So you get your coffee, and how<br/>         16 far away are you from the Coffee Bean when Tashii<br/>         17 Farmer comes up to you?<br/>         18 A. An estimate would be, oh, maybe 50,<br/>         19 60 feet.<br/>         20 Q. Okay.<br/>         21 A. I can't recall. I haven't been there<br/>         22 since. It's almost been two years since I've been<br/>         23 there.<br/>         24 Q. Any reason why you haven't been there?<br/>         25 A. I haven't needed to take calls for service.</p> |
| <p style="text-align: right;">Page 27</p> <p>1 Q. All right. So then, you guys park, and<br/>         2 where do you go to? What is your first destination?<br/>         3 A. Walk into the doors. We go past security,<br/>         4 go past like the EDR into the main casino area.<br/>         5 I remember he and I were talking about<br/>         6 getting coffee, so we, excuse me, walked around to<br/>         7 find somewhere to get coffee and ended up finding a<br/>         8 Coffee Bean.<br/>         9 Q. And just for the record, when you say EDR,<br/>         10 that's employee dining room?<br/>         11 A. Correct.<br/>         12 Q. So we go get coffee, what kind of coffee do<br/>         13 you get?<br/>         14 A. I think it was like an iced coffee because<br/>         15 I was sweating. I was hot.<br/>         16 Q. It was hot that day?<br/>         17 A. I was hot, yeah.<br/>         18 Q. And do you remember what he got?<br/>         19 A. I think we got the same thing.<br/>         20 Q. Was it free?<br/>         21 A. No.<br/>         22 Q. Do you remember who paid for it?<br/>         23 A. I did.<br/>         24 Q. Were there extra shots --<br/>         25 A. I don't recall.</p>   | <p style="text-align: right;">Page 29</p> <p>1 If I don't have to go there for a specific work<br/>         2 function, I would prefer not going there.<br/>         3 Q. Why is that?<br/>         4 A. Just the memories of this entire thing.<br/>         5 Q. All right. And I also didn't give you this<br/>         6 instruction, but if at any time you need a break<br/>         7 today, just let us know, we'll take a break.<br/>         8 Counsel, my plan is not to go super long<br/>         9 today. We can take a lunch at any time if you want<br/>         10 or we can just plow through. It's up to you.<br/>         11 It's up to you too.<br/>         12 A. Yeah. I have to -- I work graveyard now,<br/>         13 so I'm off to go to sleep after we do this.<br/>         14 Q. All right. Do you want to get deposed a<br/>         15 different time --<br/>         16 A. No.<br/>         17 Q. -- if you're tired?<br/>         18 A. No. I'd rather, please, let's get this<br/>         19 done.<br/>         20 Q. We do have Red Bull here, as Craig knows.<br/>         21 He probably told you that.<br/>         22 MR. ANDERSON: I didn't know you had<br/>         23 Red Bull.<br/>         24 THE WITNESS: No.<br/>         25</p>                          |

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\* \* \* Videotaped Deposition \* \* \*

9 (Pages 30 to 33)

| Page 30   | Page 32   |
|---|---|
| <p>1 BY MR. LAGOMARSINO:<br/>2 Q. If you need something like that --<br/>3 A. Thank you.<br/>4 Q. -- we have that and that new drink Bang.<br/>5 MR. McNUTT: One of these days, you'll get<br/>6 that newfangled drink here, coffee.<br/>7 MR. LAGOMARSINO: Yeah, we do have that.<br/>8 MR. McNUTT: Oh, you do?<br/>9 MR. LAGOMARSINO: Yeah.<br/>10 MR. McNUTT: I didn't think so.<br/>11 MR. LAGOMARSINO: We like to hand-make it,<br/>12 it's a craft.<br/>13 MR. McNUTT: Oh, oh.<br/>14 MR. LAGOMARSINO: Yeah.<br/>15 MR. McNUTT: That's too refined for my<br/>16 pallet.<br/>17 MR. LAGOMARSINO: I think you like gas<br/>18 station coffee, right?<br/>19 MR. McNUTT: I do. Truck stop preferably.<br/>20 MR. LAGOMARSINO: I get it.<br/>21 BY MR. LAGOMARSINO:<br/>22 Q. All right. So you're leaving Coffee Bean,<br/>23 and what is the next thing you recall about this<br/>24 incident?<br/>25 A. We were going to walk into an area to, like</p>   | <p>1 towards Officer Lopera. And so, I took<br/>2 Officer Lopera's coffee from him and walked away.<br/>3 Q. Why did -- if you were going to walk him to<br/>4 valet, why are you like putting the coffee down?<br/>5 A. It's my opinion now, it's not professional<br/>6 to walk around with a coffee if I'm going to be<br/>7 assisting a citizen.<br/>8 Q. And at that point, had you determined<br/>9 whether Tashii had any weapons?<br/>10 A. No.<br/>11 Q. Did you believe he had any weapons?<br/>12 A. No.<br/>13 Q. Tashii told you he had run over to the<br/>14 Venetian, correct?<br/>15 A. Yes, that he ran across the boulevard.<br/>16 Q. All right. So you go to put down your<br/>17 coffee, and do you see Officer Lopera and Tashii when<br/>18 you turn around?<br/>19 A. They're still talking, and I remember I --<br/>20 there was like a corner, went to go sit down my<br/>21 coffees and when I have my vest and belt on, I move<br/>22 slow, especially when bending down. There's just a<br/>23 lot of equipment in the way, and I took my time.<br/>24 And I remember they were talking. I don't<br/>25 know what they were talking about. There was just</p> |
| Page 31   | Page 33   |
| <p>1 where there was more foot traffic to show more<br/>2 officer presence. That's what we're instructed to do<br/>3 during Safe Strip.<br/>4 Q. So you're walking towards like a more<br/>5 populated area, I guess?<br/>6 A. Yes.<br/>7 Q. And Tashii comes up to you guys?<br/>8 A. Yes.<br/>9 Q. And what does he say?<br/>10 A. That he was being followed or chased and if<br/>11 we knew where a drinking fountain or a water fountain<br/>12 was.<br/>13 Q. And did you guys know where one was?<br/>14 A. We did not. I remember we offered help to<br/>15 assist him.<br/>16 I think he asked if we could take him down<br/>17 or show him where valet was, and of course, we're<br/>18 agreeable to help you.<br/>19 Q. All right. So it was your understanding<br/>20 that you were going to take him to valet. Is that<br/>21 when you decided you were going to put the coffees<br/>22 down?<br/>23 A. He and Officer Lopera began talking. I<br/>24 think he was asking what was wrong. He was sweating.<br/>25 Mr. Farmer had directed too much attention</p> | <p>1 noise.<br/>2 And I think they ended up sort of walking<br/>3 away, and there was a -- like a service hallway, and<br/>4 there were a couple janitors or maintenance guys<br/>5 there.<br/>6 And when I had started to stand up and turn<br/>7 around, they were starting to walk away. Then they<br/>8 started to run down the hall.<br/>9 And I was -- I lost sight -- I looked down,<br/>10 I remember looking down to negotiate the slippery<br/>11 floor so I didn't, you know, fall, and then, they<br/>12 were gone.<br/>13 Q. All right. And you were asked in your FIT<br/>14 statement if it was a restricted area that they ran<br/>15 into, and I'll just read it into the record. I don't<br/>16 have a copy here. But it says:<br/>17 "I'm not aware because it was<br/>18 being cleaned at that time, so I'm<br/>19 not sure if those doors are closed<br/>20 during specific hours."<br/>21 A. Yes.<br/>22 Q. Is that accurate?<br/>23 A. Now that I've been privy to more of the<br/>24 investigation and seen, I guess, what would be some<br/>25 security cameras, yes, it is a restricted.</p>  |

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\* \* \* Videotaped Deposition \* \* \*

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| Page 34   | Page 36  |
|---|--|
| <p>1 Q. I'm aware -- I guess my question is<br/>2 slightly different.<br/>3 That evening, was it obvious to you that<br/>4 that was a restricted area?<br/>5 A. At that time with the FIT statement, no.<br/>6 Q. And standing there with Tashii, was it<br/>7 obvious to you -- I'm sure it didn't occur to you --<br/>8 let me rephrase the question.<br/>9 At that time, was it obvious to you that he<br/>10 ran into a restricted area?<br/>11 A. At that time, no. I don't recall even<br/>12 having any mind down to that open hall.<br/>13 Q. All right. Was it warm enough that evening<br/>14 that you had to have air conditioning on constantly<br/>15 in your car?<br/>16 A. Oh, yeah.<br/>17 MR. LAGOMARSINO: Yeah, we have<br/>18 construction going on.<br/>19 MR. ANDERSON: You're holding children in<br/>20 here somewhere?<br/>21 MR. McNUTT: You should hear it in here.<br/>22 (Laughter.)<br/>23 BY MR. LAGOMARSINO:<br/>24 Q. So you were asked by Bryan Yant that<br/>25 evening if it was normal for people on the Strip to</p> | <p>1 All right. So about 11 days later, you<br/>2 give your CIRT statement?<br/>3 A. Approximately, yes.<br/>4 Q. It looks like May 25th.<br/>5 And you did that at Critical Incident<br/>6 Review Team office. Is that at headquarters?<br/>7 A. Yes.<br/>8 MR. LAGOMARSINO: I'm going to take a<br/>9 break. I'm going to go talk to them.<br/>10 MR. ANDERSON: Yell at people?<br/>11 MR. LAGOMARSINO: Yeah. Be polite.<br/>12 THE VIDEOGRAPHER: The time is<br/>13 approximately 10:45 a.m. We are going off the<br/>14 record.<br/>15 (There was a brief discussion off<br/>16 the record.)<br/>17 MR. LAGOMARSINO: Actually, can you keep<br/>18 that video going, just to record the sound.<br/>19 THE VIDEOGRAPHER: Okay.<br/>20 MR. LAGOMARSINO: If you guys don't mind.<br/>21 We have a landlord-tenant dispute here.<br/>22 THE VIDEOGRAPHER: I have it. Andre,<br/>23 honestly, I have it so you can't hear it.<br/>24 (The attorneys and the witness<br/>25 exited the room.)</p>  |
| Page 35   | Page 37  |
| <p>1 approach you and say they're being followed.<br/>2 THE REPORTER: Sorry, I didn't quite hear<br/>3 you with the noise.<br/>4 MR. LAGOMARSINO: Sorry about that.<br/>5 BY MR. LAGOMARSINO:<br/>6 Q. Is it normal for people -- strike that.<br/>7 Before this incident, had anybody on the<br/>8 Strip ever approached you to say they were being<br/>9 followed?<br/>10 A. Not that I can recall.<br/>11 I do know that citizens will come up and<br/>12 ask us, you know, questions or like where a hotel is<br/>13 or directionals.<br/>14 Q. Well, the transcript I have says from Bryan<br/>15 Yant:<br/>16 "Okay. And is it normal for<br/>17 people to approach you on the Strip<br/>18 and say they're being followed and<br/>19 chased by people?"<br/>20 And then, your answer that evening was,<br/>21 "It's happened before."<br/>22 A. Right now, I can't remember any specifics.<br/>23 I don't want to say that that's not possible<br/>24 specifically right now. I can't say.<br/>25 Q. Okay. That's fair enough. All right.</p>      | <p>1 THE REPORTER: Is that back on?<br/>2 THE VIDEOGRAPHER: Yeah, the camera is on.<br/>3 (A recess was taken.)<br/>4 THE VIDEOGRAPHER: The time is<br/>5 approximately 11:00 a.m. We are going back on the<br/>6 record.<br/>7 BY MR. LAGOMARSINO:<br/>8 Q. So getting back to your CIRT statement, do<br/>9 you remember who was in the room when you gave that<br/>10 statement?<br/>11 A. I remember it was the sergeant. I want to<br/>12 say it was Kyle Ward. Kasey Kirkegard, and Greg<br/>13 Watkins.<br/>14 Q. Michael Springer, who was --<br/>15 A. And I'm sorry, and Mike Springer.<br/>16 Q. That's okay. Nobody is expecting you to<br/>17 have a photographic memory.<br/>18 So Bryan Yant and Mike Springer were there.<br/>19 They were both your reps?<br/>20 A. My rep was Bryan Yant, and then, from PEAP<br/>21 was Mike Springer. He didn't have any say in the<br/>22 investigation.<br/>23 Q. Okay. What does PEAP stand for?<br/>24 A. Oh. Offhand, I don't know, but I can tell<br/>25 you what they do. It's more like for the mental</p> |

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\* \* \* Videotaped Deposition \* \* \*

11 (Pages 38 to 41)

| Page 38  | Page 40   |
|--|---|
| <p>1 health of the officers. It's like the -- I'm not<br/>2 even going to guess.<br/>3 Q. Okay. Just like they're in a support role<br/>4 for you, basically?<br/>5 A. Yes.<br/>6 Q. All right. So the allegations against you<br/>7 were that prior to your arrival, you failed to<br/>8 activate your body-worn camera.<br/>9 Is that accurate?<br/>10 A. I can't recall, but...<br/>11 Q. Ahead of the interview, did you receive a<br/>12 copy of Chapter 289 of the NRS?<br/>13 A. Yes.<br/>14 Q. What is that, to your understanding?<br/>15 A. I believe it's my rights as a police<br/>16 officer. I believe that's where Garrity comes in.<br/>17 Q. And what is your understanding of those<br/>18 rights?<br/>19 A. That my administrative statement cannot be<br/>20 used against me in a criminal aspect.<br/>21 Q. Any other rights that you're aware of?<br/>22 A. Not that I can recall.<br/>23 Q. And they mentioned that they sent it to<br/>24 you -- excuse me -- to your email?<br/>25 A. Yes.</p>                  | <p>1 mentioned you were wearing a vest?<br/>2 A. Yes.<br/>3 Q. Is that a bullet-proof vest?<br/>4 A. Bullet resistant, yes.<br/>5 Q. Bullet resistant, okay. All right.<br/>6 Were you aware of whether Officer Lopera<br/>7 was wearing a bullet resistant vest?<br/>8 A. I can presume. It's the policy that we<br/>9 wear it.<br/>10 Q. And what was your call sign that evening?<br/>11 A. I can't remember.<br/>12 Q. Okay. There's a reference to a Mary or<br/>13 8 Mary 62.<br/>14 What does that mean?<br/>15 A. Okay. The 8, I think it's just like an<br/>16 identifier that we're not a -- like it calls for a<br/>17 service squad. I think it identifies our<br/>18 capabilities for dispatch if they don't assign us<br/>19 anything.<br/>20 Mary is the sector that we're in, and 62 is<br/>21 more of the beat.<br/>22 Q. And who was your supervisor that evening?<br/>23 A. Sergeant Crumrine.<br/>24 Q. And how long had you been working with him<br/>25 at the time of the incident with Tashii?</p>  |
| Page 39  | Page 41   |
| <p>1 Q. Would that be your personal or your police?<br/>2 A. Department.<br/>3 Q. All right. At the time, what was your<br/>4 classification and assignment?<br/>5 A. I was a PO 1, still on probation, and I was<br/>6 on the flex team.<br/>7 Q. All right. And since this incident, have<br/>8 you gone to a different team or a different unit?<br/>9 A. Yes. From the flex team, I had switched<br/>10 squads, still the same flex, I guess<br/>11 responsibilities, different squad. And then, after<br/>12 that, I went to gangs, and now, I'm a field training<br/>13 officer.<br/>14 Q. What are the boundaries of the Convention<br/>15 Center area command?<br/>16 A. Anything east of the 15, south of Sahara,<br/>17 west of Paradise and north of, I believe Russell.<br/>18 Q. Did you transfer to that squad from<br/>19 north --<br/>20 A. Northwest.<br/>21 Q. -- west?<br/>22 A. Yes.<br/>23 Q. What is Northwest 11?<br/>24 A. The grave squad. I can't remember.<br/>25 Q. All right. That evening, I think you</p> | <p>1 A. Probably no more than, I'd say, a month<br/>2 because I had transferred, and then, I believe that's<br/>3 when I went to the training for the military, so I<br/>4 was put on orders.<br/>5 Q. All right. So it's my understanding that<br/>6 the flex squad is a proactive unit?<br/>7 A. Yes.<br/>8 Q. Can you give us some examples of what it<br/>9 means to be proactive in that unit?<br/>10 A. In that unit?<br/>11 Q. Yeah.<br/>12 A. Initiate car stops, enforce laws that are<br/>13 specific to a Strip corridor. Making the presence to<br/>14 I guess tourists, show safety and that we're out and<br/>15 maybe, I guess, discourage people from engaging in<br/>16 nefarious activity.<br/>17 Q. What are chronic nuisance crimes on the<br/>18 Strip?<br/>19 A. Repetitive crimes. I believe it was more<br/>20 like vagrancy, things that would, I guess,<br/>21 deteriorate the integrity of the Strip and tourists.<br/>22 Q. You have mentioned in your statement a<br/>23 priority 1 or zero.<br/>24 What does that mean?<br/>25 A. It's urgent. It needs to be, I guess,</p> |



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\* \* \* Videotaped Deposition \* \* \*

12 (Pages 42 to 45)

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|---|---|
| <p style="text-align: right;">Page 42</p> <p>1 handled now or immediate. There is maybe a threat to</p> <p>2 safety.</p> <p>3 Q. Okay. So is it accurate to describe that</p> <p>4 it's self-initiated activity, proactive policing?</p> <p>5 A. I guess I don't understand your question.</p> <p>6 Q. Is that proactive policing, basically?</p> <p>7 A. Priority zeroes or 1s?</p> <p>8 Q. No. Just what you were doing that evening.</p> <p>9 A. Yes.</p> <p>10 Q. It's my understanding that you would rotate</p> <p>11 partners from time to time?</p> <p>12 A. Yes.</p> <p>13 Q. Who was your other partner that you would</p> <p>14 rotate with at that time?</p> <p>15 A. At that time. I believe I rode with Chris</p> <p>16 Gibson as well, and I think I rode with Aaron Denson.</p> <p>17 Q. Can you spell that for the court reporter?</p> <p>18 A. His first name? Two As.</p> <p>19 Q. Okay. And then Denson, D-e-n-s-o-n?</p> <p>20 A. Yes.</p> <p>21 Q. All right. And had Aaron or Chris ever</p> <p>22 described using LVNRs to you before?</p> <p>23 A. No.</p> <p>24 Q. Have you ever seen anybody using an LVNR in</p> <p>25 the field?</p>   | <p style="text-align: right;">Page 44</p> <p>1 guess, a stop.</p> <p>2 I wouldn't call that discourtesy to the</p> <p>3 public, but it was -- I remember he would get amped</p> <p>4 up and loud. Might make a citizen uncomfortable if</p> <p>5 it was just a traffic stop.</p> <p>6 Q. Now, what you described in terms of his</p> <p>7 strengths, the delineation between reasonable</p> <p>8 suspicion and probable cause. We're going to be</p> <p>9 talking to a jury.</p> <p>10 So can you describe what you mean in</p> <p>11 layman's terms by that?</p> <p>12 A. So reasonable suspicion, if a crime has</p> <p>13 been -- is being or is about to be committed.</p> <p>14 Probable cause is more when the facts and</p> <p>15 circumstances known to the officer would warrant man</p> <p>16 to believe the crime has been committed and the</p> <p>17 accused has committed it.</p> <p>18 Q. I'm gathering, but tell me if I'm wrong,</p> <p>19 when you're saying maybe he was better than you on</p> <p>20 some of those issues --</p> <p>21 A. Yes.</p> <p>22 Q. -- would you feel more so struck that</p> <p>23 probable cause is a higher standard than reasonable</p> <p>24 suspicion?</p> <p>25 A. It's an arrestable. I can effect a lawful</p> |
| <p style="text-align: right;">Page 43</p> <p>1 A. In the field, no.</p> <p>2 Q. What is the reason for rotating partners?</p> <p>3 A. Some people are going to have more</p> <p>4 experience than others, whether it's prior law</p> <p>5 enforcement or prior military or I guess comfort</p> <p>6 level, better understanding of some NRSs, possibly it</p> <p>7 will give each other a little bit more of a</p> <p>8 well-rounded, I guess, learning experience.</p> <p>9 Q. One of the things that you mentioned in</p> <p>10 your statement was that one reason for rotating is to</p> <p>11 get familiarity with other people's strengths and</p> <p>12 weaknesses?</p> <p>13 A. Yeah.</p> <p>14 Q. What were some of Officer Lopera's</p> <p>15 strengths that you perceived?</p> <p>16 A. He was more proactive than I was. He</p> <p>17 would -- he operated very well with reasonable</p> <p>18 suspicion, whereas, I felt more comfortable with</p> <p>19 probable cause.</p> <p>20 So it would kind of force me out of, I</p> <p>21 guess, my comfort zone. That's one of the big things</p> <p>22 I remember.</p> <p>23 Q. Okay. And what about his weaknesses?</p> <p>24 A. Communication. I don't know how to</p> <p>25 describe it. Maybe not staying calm through, I</p> | <p style="text-align: right;">Page 45</p> <p>1 arrest with probable cause.</p> <p>2 Q. You cannot effect a lawful arrest with</p> <p>3 reasonable suspicion?</p> <p>4 A. Correct.</p> <p>5 Q. You have to have reasonable suspicion to</p> <p>6 get to probable cause, correct?</p> <p>7 A. Correct.</p> <p>8 Q. But you need reasonable suspicion for what,</p> <p>9 just a stop?</p> <p>10 A. Yes, but under state law, you have</p> <p>11 60 minutes. Otherwise, it becomes de facto.</p> <p>12 Q. Okay. All right.</p> <p>13 Based on your interaction with Tashii that</p> <p>14 evening, did you ever have reasonable suspicion</p> <p>15 personally that he had committed a crime?</p> <p>16 A. No. At that time, no.</p> <p>17 Q. What does contact cover mean?</p> <p>18 A. It can set up two officers into, I guess, a</p> <p>19 tactical advantage. I guess in case there was</p> <p>20 possibly force that was going to be used or where the</p> <p>21 cover officer can watch the contacts back if it's</p> <p>22 something unrelated, like if a threat unrelated to</p> <p>23 the stop comes up.</p> <p>24 Q. When you're on Safe Strip and you're</p> <p>25 walking, as officers, do you approach citizens and</p>                                   |

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 \* \* \* Videotaped Deposition \* \* \*

13 (Pages 46 to 49)

| Page 46   | Page 48   |
|---|---|
| <p>1 initiate contact with them?</p> <p>2 A. We can. Whether it's a consensual stop in</p> <p>3 making, you know, small-talk conversation where we</p> <p>4 don't have any legal justification to do it or it's</p> <p>5 reasonable suspicion or probable cause, yes.</p> <p>6 Q. Was there any kind of chain of command</p> <p>7 involved with you and Officer Lopera that evening?</p> <p>8 A. No.</p> <p>9 Q. Like was he like your supervisor --</p> <p>10 A. No.</p> <p>11 Q. -- or were you equals?</p> <p>12 A. No, we're the same.</p> <p>13 Q. Okay. Prior to this incident, had you ever</p> <p>14 handled any calls to the Venetian?</p> <p>15 A. Not that I can recall. I believe so. I</p> <p>16 know I've been in the Venetian before, prior to this</p> <p>17 incident.</p> <p>18 Q. Venetian and Palazzo are very large,</p> <p>19 correct?</p> <p>20 A. Yes.</p> <p>21 Q. It's easy to get lost there?</p> <p>22 A. Very.</p> <p>23 Q. That evening, were you familiar with the</p> <p>24 layout?</p> <p>25 A. No.</p>   | <p>1 A. Yes.</p> <p>2 Q. So you turn around, and then you see them</p> <p>3 still talking.</p> <p>4 And you're about how far away from them?</p> <p>5 A. Oh. Maybe like 5 to 10 feet-ish.</p> <p>6 Truthfully, I cannot remember.</p> <p>7 Q. Okay. And so then, you're walking back</p> <p>8 towards them; is that correct?</p> <p>9 A. They had started, I believe, to kind of</p> <p>10 walk away.</p> <p>11 Q. Did you see them both go in that service</p> <p>12 entrance?</p> <p>13 A. Yes.</p> <p>14 MR. McNUTT: Objection, form.</p> <p>15 BY MR. LAGOMARSINO:</p> <p>16 Q. Okay. All right.</p> <p>17 And I wasn't clear based on reading your</p> <p>18 statements. Were you aware that evening that</p> <p>19 Officer Lopera had slipped and fell on the ground?</p> <p>20 A. That evening, I don't recall it, but having</p> <p>21 been through, I guess, the other boards and</p> <p>22 everything, it did happen. To this day, I can't</p> <p>23 recall it. And I also swear that two service doors</p> <p>24 were open, and based on video, they were not.</p> <p>25 Q. Okay. All right.</p> |
| Page 47   | Page 49   |
| <p>1 Q. You had mentioned that you knew where two</p> <p>2 spots were at the Venetian, where the employee dining</p> <p>3 room was and then where security holding was; is that</p> <p>4 correct?</p> <p>5 A. Yes.</p> <p>6 Q. How many times had you been to the employee</p> <p>7 dining room at the Venetian?</p> <p>8 A. Oh. Five to ten, maybe.</p> <p>9 Q. Had you been there with Officer Lopera</p> <p>10 before this evening?</p> <p>11 A. Yes. We used to go as a squad, I remember.</p> <p>12 Q. How many people would go?</p> <p>13 A. Usually the whole squad, between give or</p> <p>14 take if some people were off on vacation or sick, it</p> <p>15 could be between six to ten, maybe.</p> <p>16 Q. Did you ever gauge why Tashii asked to be</p> <p>17 taken to the valet?</p> <p>18 A. No.</p> <p>19 Q. All right. So I'm going to get back to the</p> <p>20 incident a little bit.</p> <p>21 So you set the coffee down. Where do you</p> <p>22 set it, on the floor?</p> <p>23 A. Yes.</p> <p>24 Q. All right. And at that point, was your</p> <p>25 back turned?</p> | <p>1 So it was a Saturday night, correct?</p> <p>2 A. Yes.</p> <p>3 Q. And is your recollection that the next day</p> <p>4 was Mother's Day?</p> <p>5 A. I didn't know it at that time, but...</p> <p>6 Q. Was it busy?</p> <p>7 A. I'd say it was fair and average, consistent</p> <p>8 with a Saturday night on the Strip.</p> <p>9 Q. Are Saturday nights on the Strip busier</p> <p>10 than Tuesday nights?</p> <p>11 A. Yes.</p> <p>12 Q. Is that usually the busiest night on the</p> <p>13 Strip?</p> <p>14 A. Depending on what talent is in town, yes.</p> <p>15 Q. Was there a lot of foot traffic in the</p> <p>16 Venetian?</p> <p>17 A. I recall yes.</p> <p>18 Q. That's a pretty popular casino?</p> <p>19 A. Yes.</p> <p>20 Q. Now, when you saw Tashii, you could tell he</p> <p>21 was sweating; is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. And you saw that there were beads of sweat</p> <p>24 coming down his face?</p> <p>25 A. Yes.</p>   |

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\* \* \* Videotaped Deposition \* \* \*

14 (Pages 50 to 53)

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|---|---|
| <p style="text-align: right;">Page 50</p> <p>1 Q. Did he seem a little paranoid to you?</p> <p>2 A. Nothing -- I guess it would be inconsistent</p> <p>3 with him saying that he almost got hit by a car</p> <p>4 running across the street. To me, it didn't strike</p> <p>5 as unusual.</p> <p>6 Q. Okay.</p> <p>7 In your statement, you said, "He didn't say</p> <p>8 it was directly across the street. For all I know,</p> <p>9 it was a distance."</p> <p>10 I want to ask you if you can remember what</p> <p>11 you thought that evening. Did you take it to mean</p> <p>12 that he had run a long distance to get where he had</p> <p>13 been or?</p> <p>14 A. Even it was directly across the street, on</p> <p>15 both east and west sides of the Strip, north and</p> <p>16 southbound lanes, there's three lanes, not including</p> <p>17 turning lanes or I guess turning lanes into a</p> <p>18 property, which could potentially be four on each</p> <p>19 side, so it would be total.</p> <p>20 And then, there's the median that in some</p> <p>21 places is going to have like a barrier.</p> <p>22 Q. So it's quite a distance, correct?</p> <p>23 A. Yeah.</p> <p>24 Q. At that time, did you feel like he</p> <p>25 exhibited any signs of excited delirium?</p> | <p style="text-align: right;">Page 52</p> <p>1 BY MR. LAGOMARSINO:</p> <p>2 Q. Was this the first time as a law</p> <p>3 enforcement officer you had been involved in a</p> <p>4 situation where a citizen was killed?</p> <p>5 A. Yep.</p> <p>6 Q. In your military service, have you ever</p> <p>7 been involved in a situation where somebody was been</p> <p>8 killed?</p> <p>9 A. I haven't been deployed.</p> <p>10 Q. So you had mentioned that it was shocking</p> <p>11 to you because of everything that happened and that</p> <p>12 it shouldn't have happened.</p> <p>13 Why shouldn't it have happened --</p> <p>14 A. It's my understanding --</p> <p>15 Q. -- in your opinion?</p> <p>16 A. -- we were at a consensual stop.</p> <p>17 I don't know what conversation they had</p> <p>18 when I was away. I have no idea. I was under the</p> <p>19 presumption we were on consensual, which means I have</p> <p>20 no legal justification to follow him or to do</p> <p>21 anything within my legal capacity.</p> <p>22 He asked for help. We offered it. I know</p> <p>23 both Lopera and I would have been more than happy to</p> <p>24 help him with whatever he needed, but even the</p> <p>25 criteria for the 2000 at that time, you know, the</p>                      |
| <p style="text-align: right;">Page 51</p> <p>1 A. At that time, it didn't strike me, no.</p> <p>2 Q. Did he seem out of breath to you?</p> <p>3 A. I can't recall.</p> <p>4 Q. And this is a normal question I ask in the</p> <p>5 beginning of a depo, but I'll ask it now.</p> <p>6 Did you review any documents before coming</p> <p>7 in today to refresh your recollection?</p> <p>8 A. I briefly looked at the first 20 pages of</p> <p>9 my CIRT statement and read through my last deposition</p> <p>10 briefly, but nothing was, I guess, studied.</p> <p>11 Q. Did you review any video surveillance or</p> <p>12 body cams?</p> <p>13 A. No. I've made it a point to not watch</p> <p>14 those.</p> <p>15 Q. Does it upset you to watch those?</p> <p>16 A. Yes.</p> <p>17 Q. Was this event shocking to you?</p> <p>18 A. Yes.</p> <p>19 Q. How so?</p> <p>20 Do you want to take a break?</p> <p>21 A. It was shocking because of everything that</p> <p>22 had happened, and it shouldn't have happened.</p> <p>23 Q. Just wait for your attorney to come back.</p> <p>24 (Pause in proceedings.)</p> <p>25</p>   | <p style="text-align: right;">Page 53</p> <p>1 brief interaction that I was there for, he didn't hit</p> <p>2 any of the four criterias for me to legally hold him.</p> <p>3 Q. Are you trained at the academy on foot</p> <p>4 pursuits?</p> <p>5 A. Yeah, they go over it.</p> <p>6 Q. Okay. And it's my understanding that</p> <p>7 different officers have different opinions on when to</p> <p>8 follow through on a foot pursuit.</p> <p>9 A. Yes.</p> <p>10 Q. Is that your understanding?</p> <p>11 A. Yes.</p> <p>12 Q. I had an officer, and this is just a</p> <p>13 preliminary comment to a question, who told me -- he</p> <p>14 was a more experienced officer in Henderson and told</p> <p>15 me that he was training somebody new, and somebody</p> <p>16 saw them and started running away and that the newer</p> <p>17 officer -- he told the new officer, don't worry,</p> <p>18 we'll see him next week or whatever. It's not worth</p> <p>19 the danger that's involved.</p> <p>20 Do you have a specific criteria of when to</p> <p>21 initiate a foot pursuit?</p> <p>22 A. I don't think there's a steadfast criteria.</p> <p>23 I think there's a lot of factors that will play</p> <p>24 influence on it.</p> <p>25 One of them that whenever I have been in a</p> |



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\* \* \* Videotaped Deposition \* \* \*

15 (Pages 54 to 57)

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|---|---|
| <p style="text-align: right;">Page 54</p> <p>1 foot pursuit, I know when it's put out over the radio</p> <p>2 that the area supervisor is going to ask what the</p> <p>3 crime was, and if there isn't a crime or if it's --</p> <p>4 you know, let's say a jaywalking offense and it's a</p> <p>5 busy night on the Strip, is my foot pursuit going to</p> <p>6 cause that person to hurt somebody else or get hit by</p> <p>7 a car.</p> <p>8 If I instantly can think yeah, I'm not</p> <p>9 doing it.</p> <p>10 Q. All right. So at the point where you all</p> <p>11 are speaking with Tashii, is that a consensual stop?</p> <p>12 A. My understanding, yes. We didn't stop him,</p> <p>13 he stopped us.</p> <p>14 Q. Okay. Sorry, I didn't mean to phrase it</p> <p>15 that way.</p> <p>16 It was a consensual interaction?</p> <p>17 A. Yes.</p> <p>18 Q. At any time when you were able to hear</p> <p>19 Tashii, did he ever make any kind of a threatening</p> <p>20 remark or --</p> <p>21 A. No. Not that I can recall, no.</p> <p>22 Q. And we do have some of the body cam footage</p> <p>23 from Officer Lopera, but the first 30 seconds,</p> <p>24 there's no sound.</p> <p>25 Do you recall the extent of your</p>  | <p style="text-align: right;">Page 56</p> <p>1 Q. Okay. When you would witness</p> <p>2 Officer Lopera, you said earlier that sometimes he</p> <p>3 could be maybe a little abrasive or rough on traffic</p> <p>4 stops, not necessarily physically but just in the way</p> <p>5 he interacted with citizens, did you ever ask him,</p> <p>6 like hey, tone it down or --</p> <p>7 A. No. It's --</p> <p>8 MR. McNUTT: Objection, form.</p> <p>9 I need to get an objection in whenever he's</p> <p>10 done, but you were cutting him off.</p> <p>11 THE WITNESS: Sorry.</p> <p>12 MR. LAGOMARSINO: Sure. That's fine. Let</p> <p>13 me rephrase the question. I'll withdraw it.</p> <p>14 BY MR. LAGOMARSINO:</p> <p>15 Q. Did you ever have conversations with him</p> <p>16 about the tone that he would use with citizens?</p> <p>17 MR. McNUTT: Objection, form,</p> <p>18 mischaracterizes the testimony.</p> <p>19 THE WITNESS: Can I answer?</p> <p>20 MR. ANDERSON: Yeah.</p> <p>21 THE WITNESS: No. Different officers have</p> <p>22 different perceptions and I guess different</p> <p>23 experiences that are going to lead to act a certain</p> <p>24 way or not.</p> <p>25 If it's somebody's, not specifically his,</p> |
| <p style="text-align: right;">Page 55</p> <p>1 conversations with him? It's not that long of a</p> <p>2 time, but what was said in that 30 seconds?</p> <p>3 A. Not that I can recall.</p> <p>4 I know specifically he just asked for a</p> <p>5 drinking fountain or to be taken down to valet and</p> <p>6 that he ran across the street. Other than that, I</p> <p>7 can't recall.</p> <p>8 Q. I don't want to keep talking about the body</p> <p>9 cam footage. I understand it's upsetting to you, and</p> <p>10 it's not my intent to do that. But I do have a</p> <p>11 question.</p> <p>12 In the beginning of Officer Lopera's body</p> <p>13 footage, it appears to me, but maybe it's just me,</p> <p>14 that he's reaching out to grab Tashii.</p> <p>15 Does it look like that to you?</p> <p>16 A. After I saw the video, I recall that.</p> <p>17 Q. Did you ever learn why he did that?</p> <p>18 A. No.</p> <p>19 Q. When you were at the scene outside after</p> <p>20 you arrived, do you recall the extent of the</p> <p>21 conversations that you had with Officer Lopera?</p> <p>22 A. After having, I guess, seen the body cam,</p> <p>23 that's when he said that he used a rear naked choke.</p> <p>24 I don't recall that conversation, but it happened,</p> <p>25 it's on body camera.</p> | <p style="text-align: right;">Page 57</p> <p>1 if it's someone's personality to be more abrasive or</p> <p>2 direct, then that's their personality.</p> <p>3 Are they doing anything wrong? No. Is it</p> <p>4 how I would do it? No.</p> <p>5 BY MR. LAGOMARSINO:</p> <p>6 Q. All right.</p> <p>7 During the investigation, did you ever come</p> <p>8 to learn Bryan Yant's history as a police officer in</p> <p>9 officer-involved shootings?</p> <p>10 A. I've heard about it.</p> <p>11 Q. Okay. Did you know about that before this</p> <p>12 incident?</p> <p>13 A. No.</p> <p>14 Q. When did you first learn about it?</p> <p>15 A. I can't remember who I was speaking with</p> <p>16 who is more tenured on the department, and I guess a</p> <p>17 conversation had came up about who my rep is, and I</p> <p>18 said, "Bryan Yant." And they said that is something</p> <p>19 that he had been in multiple OISs, and I think it was</p> <p>20 him that shot someone who was trying to destroy</p> <p>21 evidence.</p> <p>22 Q. Okay. Did you learn that while he was your</p> <p>23 rep?</p> <p>24 A. I can't recall.</p> <p>25 Q. Was that part of the reason why you had him</p>   |

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 \* \* \* Videotaped Deposition \* \* \*

16 (Pages 58 to 61)

| Page 58  | Page 60  |
|--|--|
| <p>1 changed out?</p> <p>2 A. No. My specific reason for having him</p> <p>3 changed out is I believed it was a conflict of</p> <p>4 interest about him repping every person on that</p> <p>5 incident.</p> <p>6 Q. Had anybody ever told you from the police</p> <p>7 department that Bryan Yant should not even be on the</p> <p>8 force based on what he did?</p> <p>9 A. I think I recall hearing that. I remember</p> <p>10 hearing that they put him at the PPA so he was off</p> <p>11 the street.</p> <p>12 Q. When you were dealing with Tashii inside</p> <p>13 the hotel, were you ever concerned for your safety?</p> <p>14 A. My safety, no.</p> <p>15 Q. Were you ever concerned for</p> <p>16 Officer Lopera's safety?</p> <p>17 A. No.</p> <p>18 Q. You're a crisis intervention certified,</p> <p>19 correct?</p> <p>20 A. Yes.</p> <p>21 Q. And was that in January 2016?</p> <p>22 A. Yes.</p> <p>23 Q. Is that something that you have to be</p> <p>24 recertified in or --</p> <p>25 A. Yes.</p>  | <p>1 as.</p> <p>2 I believe her boyfriend or her husband had</p> <p>3 called and said that she's going through a crisis, or</p> <p>4 I can't remember the details, but when I had -- I was</p> <p>5 the first arriving.</p> <p>6 And I saw her in a car, and when my car had</p> <p>7 pulled up, her getting out, and she was sweating. It</p> <p>8 was daytime, sun was up, it was summertime. She was</p> <p>9 sweating and inconsistent speech and yelling, not</p> <p>10 making sense of her words.</p> <p>11 And a couple of my other backups had showed</p> <p>12 up, and we ended up putting her into custody for</p> <p>13 safety reasons.</p> <p>14 Q. Is that what's referred to as like a legal</p> <p>15 2000?</p> <p>16 A. Yes, I believe she was legaled.</p> <p>17 Q. Contrasting that with Tashii, was he able</p> <p>18 to speak articulately, clearly?</p> <p>19 A. As I recall, yes. It wasn't like the other</p> <p>20 excited delirium, or ED, call that I had had.</p> <p>21 Q. Did you perceive him to be in mental crisis</p> <p>22 at that time?</p> <p>23 A. Not that I can recall.</p> <p>24 Q. All right. Sometimes with somebody who is</p> <p>25 in crisis, is the way they're dressed can be an</p> |
| Page 59  | Page 61  |
| <p>1 Q. Have you been recertified in it?</p> <p>2 A. I believe so. I can't remember what date.</p> <p>3 I know that they end up sending a letter to your</p> <p>4 supervisor, and you go to the class you're scheduled</p> <p>5 to.</p> <p>6 Q. Did Officer Lopera ever tell you that he</p> <p>7 had lapsed in some sort of occasions?</p> <p>8 MR. McNUTT: Objection, form, assumes facts</p> <p>9 not in evidence.</p> <p>10 THE WITNESS: Not that I recall.</p> <p>11 BY MR. LAGOMARSINO:</p> <p>12 Q. And you've been on crisis intervention team</p> <p>13 related calls before, correct?</p> <p>14 A. Yes.</p> <p>15 Q. And had you ever been the primary officer</p> <p>16 in such a situation where you were charged with</p> <p>17 talking with a subject of --</p> <p>18 A. Yes.</p> <p>19 Q. -- somebody in crisis?</p> <p>20 A. Yes.</p> <p>21 Q. I believe you mentioned in your statement</p> <p>22 about somebody, a female who was in a car?</p> <p>23 A. Um-hum.</p> <p>24 Q. Can you tell us about that situation?</p> <p>25 A. I can't remember what the call had come out</p> | <p>1 indicator to you or if they're dressed at all?</p> <p>2 A. Um-hum.</p> <p>3 Q. Can you explain that?</p> <p>4 A. He was appropriately dressed for the</p> <p>5 weather.</p> <p>6 Q. Okay.</p> <p>7 A. I think I remember him having, I think like</p> <p>8 a short-sleeve shirt on and jeans.</p> <p>9 Q. Is there anything that you -- strike that.</p> <p>10 Can you recall him speaking abnormally or</p> <p>11 normally?</p> <p>12 A. Not that I can recall.</p> <p>13 Q. I'm sorry, that was a terrible question.</p> <p>14 Was there anything about the way that he</p> <p>15 was talking that seemed abnormal to you?</p> <p>16 A. Not that I can recall.</p> <p>17 Q. Okay.</p> <p>18 Did he appear to be mentally ill to you?</p> <p>19 A. Nothing that struck me, but even if he was,</p> <p>20 it's not a crime.</p> <p>21 Q. Does Metro have a policy on dealing with</p> <p>22 the mentally ill?</p> <p>23 A. To respect their rights.</p> <p>24 Q. Do they have the right to be left alone</p> <p>25 unless they present a danger to themselves?</p>  |

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\* \* \* Videotaped Deposition \* \* \*

17 (Pages 62 to 65)

| Page 62  | Page 64  |
|--|--|
| <p>1 A. Yes.</p> <p>2 Q. Does mental illness alone require a special</p> <p>3 police response?</p> <p>4 A. I think if it's -- if it's requested. If</p> <p>5 it's a call for service and they request CIT. I'm</p> <p>6 not sure how the verbiage goes through the dispatcher</p> <p>7 at the call center.</p> <p>8 Q. Sometimes you'll see mentally ill people on</p> <p>9 the street, correct?</p> <p>10 A. Sure.</p> <p>11 Q. If they're not doing anything wrong, does</p> <p>12 that require a response?</p> <p>13 A. No.</p> <p>14 Q. Is it fair to say that they basically have</p> <p>15 the right to be left alone as long as there's no</p> <p>16 crime that's been committed?</p> <p>17 A. Yes.</p> <p>18 Q. When you saw him outside the coffee shop,</p> <p>19 did you ever feel like you had to call medical for</p> <p>20 him?</p> <p>21 A. No.</p> <p>22 Q. When was the first time that you perceived</p> <p>23 that a foot pursuit had occurred?</p> <p>24 A. I never thought a foot pursuit had started.</p> <p>25 There was no radio traffic that had started. There</p>   | <p>1 remember checking every door, there were locked</p> <p>2 doors, open doors, locked doors behind those.</p> <p>3 There was no vocals, no yelling, no</p> <p>4 screaming.</p> <p>5 I remember going back to where we had</p> <p>6 started to see if it just looped around, and I tried</p> <p>7 to find my own way out.</p> <p>8 Q. Did you ever hear any noises from Tashii</p> <p>9 other than --</p> <p>10 A. I heard nothing.</p> <p>11 Q. Sorry?</p> <p>12 A. I heard nothing.</p> <p>13 Q. At that time, did you believe that a foot</p> <p>14 pursuit was a valid option?</p> <p>15 A. No.</p> <p>16 Q. Did you perceive at that time that Tashii</p> <p>17 posed a threat to himself?</p> <p>18 A. No.</p> <p>19 Q. At that time, did you perceive that Tashii</p> <p>20 presented a threat to others?</p> <p>21 A. No. No.</p> <p>22 Q. Did you ever give any verbal commands to</p> <p>23 Tashii?</p> <p>24 A. No.</p> <p>25 Q. Did you ever hear Officer Lopera give any</p>   |
| Page 63  | Page 65  |
| <p>1 was no radio traffic that I can recall.</p> <p>2 Q. Did you believe that a crime -- strike</p> <p>3 that.</p> <p>4 In your dealings with Tashii, did you</p> <p>5 believe that he had committed a crime at that time?</p> <p>6 A. At that time, no.</p> <p>7 Q. I was reading through some of your CIRT</p> <p>8 statement, and you made a comment, I don't know if it</p> <p>9 was a joke or if I'm just ignorant on police stances.</p> <p>10 But it's that you're trained to have a</p> <p>11 basic stance, and it says, "Mine is coffee."</p> <p>12 A. Oh. No.</p> <p>13 Q. Is that a joke?</p> <p>14 A. I don't know if that was a mistype, but no.</p> <p>15 Q. Okay.</p> <p>16 A. Do you need me to explain what a basic</p> <p>17 stance is?</p> <p>18 Q. Sure. Well, no, you don't have to explain</p> <p>19 it, but I didn't know if there was like a coffee</p> <p>20 stance that I didn't know about.</p> <p>21 A. Hum-um.</p> <p>22 Q. All right. Did you follow the way that</p> <p>23 Officer Lopera and Tashii went into the hallway?</p> <p>24 A. I don't know what way they went. I had</p> <p>25 walked down the same hall that I last saw them. I</p> | <p>1 verbal commands to Tashii when you were there in</p> <p>2 person?</p> <p>3 A. No. When I had showed up, he was, he had</p> <p>4 stepped away, and there were other officers who were</p> <p>5 starting to give aid.</p> <p>6 Q. When you went into where you perceived them</p> <p>7 to go into that service area, can you describe that</p> <p>8 area in terms of stairwells and doors and --</p> <p>9 A. Oh. I guess the best way I could say it,</p> <p>10 it was a spider web. It seemed like there were</p> <p>11 different halls that led to other doors, and there</p> <p>12 were locked doors into offices, and there was a</p> <p>13 stairwell. I remember I saw, I think like a</p> <p>14 maintenance guy or a linen, linen guy.</p> <p>15 And then he directed me to an elevator. I</p> <p>16 tried to find an elevator, asked for security. To</p> <p>17 this day, I have no idea how I got out.</p> <p>18 Q. Is it fair to say that once you went in</p> <p>19 there, the sense of direction was gone?</p> <p>20 A. It's gone.</p> <p>21 Q. At some point, did you get into an</p> <p>22 elevator?</p> <p>23 A. Yeah.</p> <p>24 Q. And what was the purpose, just to -- strike</p> <p>25 that.</p> |

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\* \* \* Videotaped Deposition \* \* \*

18 (Pages 66 to 69)

| Page 66   | Page 68  |
|---|--|
| <p>1 A. I had no idea where I was going.<br/>2 Q. At some point, did you get outside?<br/>3 A. Yes.<br/>4 Q. And how did you know where to go?<br/>5 A. When I had stepped out, there were a bunch<br/>6 of police cars and lights on.<br/>7 Q. And so, did you run up to the scene?<br/>8 A. Yes.<br/>9 Q. When you ran track, what events or type of<br/>10 track did you run, I guess?<br/>11 A. I trained in the heptathlon and the 800. I<br/>12 did cross country too. There was distance in there.<br/>13 I threw a little bit. A little bit of everything.<br/>14 Q. At what point do you recall specifically<br/>15 losing sight of Officer Lopera in the beginning?<br/>16 A. I think the last I saw them is when they<br/>17 had turned the corner. I don't know the distance.<br/>18 That was the last time.<br/>19 MR. McNUTT: Andre, can I ask a question<br/>20 right there?<br/>21 MR. LAGOMARSINO: Sure.<br/>22 MR. McNUTT: Where they turned what corner?<br/>23 I'm unclear as to where you're at.<br/>24 THE WITNESS: I think there was -- and<br/>25 please forgive me, it's been two years since I've</p> | <p>1 to initiate a call and call it out where it's going<br/>2 to actually be a call for service or an interaction<br/>3 to initiate your body camera. If it's a consensual,<br/>4 I remember him saying don't call it out, don't jamb<br/>5 up the radio because the radios are jammed as they<br/>6 are.<br/>7 Q. Okay. You had mentioned in your statement<br/>8 that you had a 94.4 percent compliancy rating on the<br/>9 body cam?<br/>10 A. Yes.<br/>11 Q. How is that measured?<br/>12 A. Calls that actually get activated, whether<br/>13 it's a person stop or a vehicle stop, versus how many<br/>14 videos you have that match when the call was created.<br/>15 Q. Oh, okay. And how did you know that that<br/>16 was your rating?<br/>17 A. I believe it's bimonthly, you will get an<br/>18 email from the body cam detail saying your<br/>19 compliancy.<br/>20 Q. And is there is a required level that you<br/>21 have to have?<br/>22 A. Not that I can recall on policy. A lot of<br/>23 supervisors will say you're good if you're above<br/>24 80 percent.<br/>25 Q. Okay. In this particular incident, were</p> |
| Page 67   | Page 69  |
| <p>1 been back there.<br/>2 I think the angle of the hallway had<br/>3 turned. To what degree, I don't know.<br/>4 MR. McNUTT: So they were physically inside<br/>5 the hallway when you're saying they turned a corner?<br/>6 THE WITNESS: Yes.<br/>7 MR. McNUTT: That was all. Thank you.<br/>8 BY MR. LAGOMARSINO:<br/>9 Q. How far of a distance outside did you run?<br/>10 A. I can't remember. I was winded.<br/>11 Q. Okay.<br/>12 A. It was uphill, like a loading dock.<br/>13 Q. Do you think you were perspiring that night<br/>14 outside?<br/>15 A. Oh, yeah.<br/>16 Q. When is the first time that you activated<br/>17 your body cam?<br/>18 A. When I had stepped out and saw the police<br/>19 cars.<br/>20 Q. What is the training of when you're<br/>21 supposed to activate your body cam?<br/>22 A. When you engage into like a contact with a<br/>23 citizen.<br/>24 But it wasn't uncommon for the supervisor<br/>25 or lieutenant on Safe Strip nights, if you're going</p>  | <p>1 there any issues with the operation of your body<br/>2 camera not working?<br/>3 A. Not that I can recall.<br/>4 Q. And so, at the scene, you arrived at that<br/>5 time, you perceived officers providing aid to Tashii;<br/>6 is that correct?<br/>7 A. Yes.<br/>8 Q. Were you getting any direction from anybody<br/>9 at the scene?<br/>10 A. No.<br/>11 Q. Was Sergeant Crumrine, to your knowledge,<br/>12 giving any direction?<br/>13 A. No. Not that I can recall, no.<br/>14 Q. Did anybody appear to you to be taking<br/>15 charge of the scene?<br/>16 A. No. Not that I can recall.<br/>17 Q. What does it mean when somebody says that<br/>18 the scene is dynamic?<br/>19 A. That there's multiple things going on.<br/>20 That not everyone's focus is going to be on the same<br/>21 place. There's going to be multiple things that<br/>22 likely need to be updated through a radio dispatch.<br/>23 Q. At what point, to your recollection, do you<br/>24 remember the scene not being dynamic anymore?<br/>25 A. After -- after like FIT and CIRT. That's</p>   |

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19 (Pages 70 to 73)

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|--|--|
| <p>1 when I felt it hit a -- like a calmer state.</p> <p>2 Q. Was the scene still dynamic when Tashii was</p> <p>3 taken away in the ambulance?</p> <p>4 A. I'd say so because it was still a crime</p> <p>5 scene that needed to be cordoned off.</p> <p>6 Q. Do you recall anybody being assigned to</p> <p>7 Officer Lopera to cordon him off?</p> <p>8 A. I think at first, I want to say Sergeant</p> <p>9 Crumrine told us to be together, and then, somebody</p> <p>10 else stepped in and said to separate us. I don't</p> <p>11 recall us talking about anything at all. And then, I</p> <p>12 was -- and then, I know we were separated the last I</p> <p>13 saw him.</p> <p>14 Q. Did you have any like communication at all</p> <p>15 with Sergeant Crumrine at the scene?</p> <p>16 A. They had put us together in a car, but we</p> <p>17 didn't talk about the scene.</p> <p>18 Q. Okay. And slightly different question.</p> <p>19 Did you observe Sergeant Crumrine at the scene?</p> <p>20 A. I remember seeing him, I can't remember</p> <p>21 when I initially saw him. I remember the car that</p> <p>22 was -- well, now that I saw the video, I guess it was</p> <p>23 his car that was parked in the drive, that he got in</p> <p>24 the car and I guess, I assume, ran Mr. Tashii's name</p> <p>25 through the computer to see who he was. I don't know</p> | <p>1 get him in the proper position to give aid.</p> <p>2 Q. Okay. I'll just identify it for the</p> <p>3 record, at page 65 of your CIRT statement, lines 10</p> <p>4 and 11, you say -- I'll give you some context. It</p> <p>5 says, starting at line 5:</p> <p>6 "Do you remember anything what the</p> <p>7 officers around him were saying at</p> <p>8 this point or doing?"</p> <p>9 And your answer was:</p> <p>10 "Umm, one was rubbing his stomach.</p> <p>11 Another was rubbing his sternum.</p> <p>12 They started, you know, giving CPR,</p> <p>13 checking his pulse. And they said</p> <p>14 okay."</p> <p>15 And then, you say:</p> <p>16 "I remember someone was doing that</p> <p>17 on his ankle and up on his neck."</p> <p>18 A. Now that you said it, yes, starting to rub,</p> <p>19 like rubbing like where there's a lot of nerve</p> <p>20 endings to see if there's a response.</p> <p>21 Q. Okay. Do you remember what you meant when</p> <p>22 you say, "I remember someone was doing that on his</p> <p>23 ankle and up on his neck"?</p> <p>24 A. Maybe checking pulse.</p> <p>25 I don't remember then what I was thinking,</p> |
| Page 71  | Page 73  |
| <p>1 why.</p> <p>2 Q. Okay. What is your understanding of</p> <p>3 Metro's policy with respect to when you have your</p> <p>4 body camera activating it -- strike that.</p> <p>5 With respect to the body camera, what is</p> <p>6 your understanding of what the policy is as to when</p> <p>7 to deactivate it?</p> <p>8 A. When you're talking about -- talking about</p> <p>9 a call or maybe having a debrief about the call.</p> <p>10 Q. Do you know what the rationale is for that?</p> <p>11 A. No. I think it's more just to allow the</p> <p>12 officers to talk freely about what maybe crimes that</p> <p>13 you have. In a dynamic situation, you're supposed to</p> <p>14 keep it on. I remember them saying that.</p> <p>15 Q. So you saw Tashii on the ground, correct?</p> <p>16 A. Yes.</p> <p>17 Q. Do you remember seeing the officers around</p> <p>18 him on the ground?</p> <p>19 A. Yes.</p> <p>20 Q. Do you remember seeing officers bending his</p> <p>21 ankles back towards his buttocks when he was on the</p> <p>22 ground?</p> <p>23 A. I don't recall that.</p> <p>24 All I remember is them rendering aid, CPR,</p> <p>25 and then, taking him out of handcuffs to, I guess,</p>   | <p>1 but now I would presume it would be pulse.</p> <p>2 Q. Okay. But you're not sure at this point?</p> <p>3 A. At this point, no. Sorry.</p> <p>4 Q. That's okay.</p> <p>5 You put blue gloves on at that point?</p> <p>6 A. Yes.</p> <p>7 Q. Why did you do that?</p> <p>8 A. I know from training that giving CPR is</p> <p>9 very exhausting, so I was ready to step in if someone</p> <p>10 else needed to take a break for a second.</p> <p>11 Q. When you say CPR, are you saying</p> <p>12 mouth-to-mouth resuscitation?</p> <p>13 A. Chest compressions.</p> <p>14 Q. Were you confused at the scene as to what</p> <p>15 was going on?</p> <p>16 A. Yeah.</p> <p>17 Q. Do you know why?</p> <p>18 A. I didn't know what happened.</p> <p>19 Q. Several times in the body cam footage,</p> <p>20 you're turning your camera on, then off, then on,</p> <p>21 then off.</p> <p>22 What is the reason for that?</p> <p>23 A. I can't remember a reason.</p> <p>24 I still do it if I'm going to speak with</p> <p>25 another officer.</p>  |



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\* \* \* Videotaped Deposition \* \* \*

20 (Pages 74 to 77)

| Page 74  | Page 76   |
|--|---|
| <p>1 Q. At that time, when you observed Tashii, did<br/>2 you look at his pupils?<br/>3 A. I don't recall.<br/>4 Q. Did you remember feeling that he was under<br/>5 the influence of narcotics when you first saw him?<br/>6 A. No, I don't recall that.<br/>7 Q. Prior to that time, had you ever arrested<br/>8 anybody on the Strip for being under the influence of<br/>9 a controlled substance?<br/>10 A. I believe so. I can't remember specifics.<br/>11 Q. Were you in the Venetian itself or were you<br/>12 in the plaza?<br/>13 A. Honestly, I know they connect, but I don't<br/>14 know where the dividing line is.<br/>15 Q. Okay.<br/>16 A. I would presume the Venetian because of the<br/>17 doors that we went in.<br/>18 Q. Did Officer Lopera ever communicate to you<br/>19 that he was going to do a pat-down of Tashii?<br/>20 A. No.<br/>21 Q. I understand it's probably been a long time<br/>22 since you reviewed the body cam footage, but I want<br/>23 to ask you your perception.<br/>24 Have you watched Officer Lopera's body cam<br/>25 footage?</p> | <p>1 Craig, you --<br/>2 MR. ANDERSON: Yeah, it's fine with me and<br/>3 the witness.<br/>4 THE VIDEOGRAPHER: The time is<br/>5 approximately 11:58 a.m. We are going off the<br/>6 record.<br/>7 (A recess was taken.)<br/>8 THE VIDEOGRAPHER: The time is<br/>9 approximately -- wait till it changes -- the time is<br/>10 approximately 12:11 p.m. We are going back on the<br/>11 record.<br/>12<br/>13 EXAMINATION<br/>14 BY MR. McNUTT:<br/>15 Q. Officer Lif, my name is Dan McNutt. We met<br/>16 out in the hallway before and at your prior<br/>17 deposition.<br/>18 A. Yes.<br/>19 Q. I represent Ken Lopera. And just to avoid<br/>20 any doubt, you're still under oath.<br/>21 Do you understand that?<br/>22 A. Yes.<br/>23 Q. I've got just a few questions. I don't<br/>24 think we'll take too long. I understand you're going<br/>25 to a graveyard shift tonight.</p> |
| Page 75  | Page 77   |
| <p>1 A. Just what was played on the news and then<br/>2 the Review Board.<br/>3 Q. What is your understanding of how long it<br/>4 takes to -- strike that.<br/>5 Do you know what an LVNR is?<br/>6 A. A lateral vascular neck restraint.<br/>7 Q. How long is it supposed to be imposed<br/>8 before it takes effect, to your knowledge?<br/>9 A. It's fairly quick. I'd say within 10<br/>10 seconds or less.<br/>11 Q. And when you say, "take effect," that means<br/>12 like put them out?<br/>13 A. Correct.<br/>14 Q. Were you ever taught in the academy or at<br/>15 Metro in any kind of training prior to this incident<br/>16 the difference between a LVNR and a rear naked choke?<br/>17 A. Not that I recall.<br/>18 They make sure you understand in detail the<br/>19 LVNR and the purpose and how it takes effect.<br/>20 Q. Okay. All right.<br/>21 I don't have any further questions.<br/>22 MR. McNUTT: Why don't we take a quick<br/>23 break and push through lunch?<br/>24 MR. LAGOMARSINO: Yeah.<br/>25 MR. McNUTT: It's fine with me.</p>                    | <p>1 A. Take your time.<br/>2 Q. Okay. We'll try to be as efficient as<br/>3 possible.<br/>4 You testified earlier that you gave several<br/>5 statements. One was a FIT statement; is that right?<br/>6 A. Yes.<br/>7 Q. And that came before your CIRT statement,<br/>8 correct?<br/>9 A. Correct.<br/>10 Q. And if I recall correctly, your FIT<br/>11 statement occurred the night of the incident around<br/>12 May 14th, 2017?<br/>13 A. Yes.<br/>14 Q. Do you recall that you identified Tashii<br/>15 Farmer or at that time, as you referred to him, as a<br/>16 BMA?<br/>17 A. Um-hum.<br/>18 Q. What is a BMA?<br/>19 A. Black male adult.<br/>20 Q. You identified the BMA as, quote, profusely<br/>21 sweating?<br/>22 A. Yes.<br/>23 Q. Do you recall that?<br/>24 A. Yes.<br/>25 Q. And why did you identify him as or define</p>  |

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21 (Pages 78 to 81)

| Page 78  | Page 80  |
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| <p>1 him as being profusely sweating? What does that mean<br/>2 to you?<br/>3 A. Visible beads of sweat, I'd say. I should<br/>4 have elaborated that, and I mean visible beads of<br/>5 sweat. Rolling sweat beads.<br/>6 Q. Okay.<br/>7 A. Maybe like you can see it through clothes.<br/>8 Q. And is that your definition just generally,<br/>9 or is that the definition of what you saw on Tashii<br/>10 Farmer?<br/>11 A. That's my definition generally. That's if<br/>12 I were to be sweating and there's rolling beads of<br/>13 sweat and my clothes have sweat marks on them, to me,<br/>14 that's profusely sweating. To me.<br/>15 Q. So to your recollection -- you said that<br/>16 Tashii Farmer was sweating profusely. What did you<br/>17 see?<br/>18 A. Rolling beads of sweat.<br/>19 Q. Okay. And was his clothing physically<br/>20 sweaty as well?<br/>21 A. Not that I can recall. I --<br/>22 Q. Do you -- I'm sorry.<br/>23 A. Just not that I can recall right now, no.<br/>24 Q. Do you recall what he was wearing?<br/>25 A. I think it was like a black or dark color,</p>                           | <p>1 A. I'd say it would be more subjective.<br/>2 Q. So if somebody is not speaking at all but<br/>3 completely naked in the middle of the Strip, you may<br/>4 make a judgment that they are suffering --<br/>5 A. That's a good indicator, yes.<br/>6 I'm sorry to interrupt you.<br/>7 Q. That's okay.<br/>8 Or alternatively, it could be a variety of<br/>9 factors that would draw you to that conclusion?<br/>10 A. Yes.<br/>11 Q. Are any of those things dispositive as a<br/>12 patrol officer, or are they simply your perception at<br/>13 the time?<br/>14 A. I guess I don't understand what you mean.<br/>15 Q. Well, you're not a psychiatrist or medical<br/>16 doctor, correct?<br/>17 A. Correct.<br/>18 Q. So you're not technically qualified to<br/>19 diagnose them?<br/>20 A. Correct.<br/>21 Q. So back to my question.<br/>22 Your suspicions are not dispositive of<br/>23 their condition, it's just what you perceive at the<br/>24 time, correct?<br/>25 A. Correct.</p>  |
| Page 79  | Page 81  |
| <p>1 like maybe dark navy T-shirt and jeans.<br/>2 Q. Would that have made it more difficult to<br/>3 see sweat on his clothes or at least his shirt?<br/>4 A. Possibly.<br/>5 Q. You stated in your CIRT statement that<br/>6 there were several -- there's a variety of factors to<br/>7 use in identifying excited delirium, correct?<br/>8 A. Yes.<br/>9 Q. Do you know what they are?<br/>10 A. I guess excessive sweating, nudity,<br/>11 irrational speech, random, I guess, sentences put<br/>12 together. That's all I can recall.<br/>13 Q. And in your CIRT statement, you identified<br/>14 that he was showing two of those signs.<br/>15 What were they?<br/>16 A. It was sweating and I guess not making<br/>17 sense about maybe why he needed to go to valet or<br/>18 asking to go to valet.<br/>19 Q. And was it also paranoia?<br/>20 A. Possibly, yes.<br/>21 Q. Is there a certain amount of elements that<br/>22 you have to have in order to determine that someone<br/>23 is under the -- suffering from excited delirium, or<br/>24 is it simply a subjective test that you as an officer<br/>25 make?</p> | <p>1 Q. So sitting here today, can you say with<br/>2 certainty that Tashii Farmer was not suffering from<br/>3 excited delirium?<br/>4 A. Not with certainty.<br/>5 Q. And at the time, in fact that evening, you<br/>6 thought her was in fact exhibiting certain signs of<br/>7 excited delirium, correct?<br/>8 A. Correct.<br/>9 Q. When you and your partner, Ken Lopera,<br/>10 first encountered Tashii Farmer, what was your<br/>11 proximity from Officer Lopera?<br/>12 A. Probably within a few feet from each other.<br/>13 Q. So you were essentially walking together?<br/>14 A. Yes.<br/>15 Q. And I think you testified earlier that you<br/>16 left the Coffee Bean and you were walking to some<br/>17 area of the casino, correct?<br/>18 A. Correct.<br/>19 Q. And Tashii Farmer in fact approached the<br/>20 two of you, correct?<br/>21 A. Correct.<br/>22 Q. But in your CIRT statement, you said that<br/>23 he was primarily -- he being Tashii Farmer -- was<br/>24 primarily directing his attention to Ken Lopera; is<br/>25 that right?</p> |

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\* \* \* Videotaped Deposition \* \* \*

22 (Pages 82 to 85)

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| <p>1 A. That's correct.</p> <p>2 Q. And you made a statement that you took that</p> <p>3 as kind of an unconscious sign to let Ken take the</p> <p>4 lead or be contact with Tashii Farmer; is that fair?</p> <p>5 A. Fair.</p> <p>6 Q. When you and Officer Lopera -- you had been</p> <p>7 working together for several months prior to this</p> <p>8 point?</p> <p>9 A. I would say several weeks, maybe not</p> <p>10 several months at that point.</p> <p>11 Q. Okay. Had you guys ever trained together?</p> <p>12 I know you said you were in the academy together.</p> <p>13 A. I don't recall having training days while</p> <p>14 he and I were on the same squad because I was gone on</p> <p>15 orders, but yes, trained together through the</p> <p>16 academy, yes.</p> <p>17 Q. So at least -- so let me just -- for the</p> <p>18 several weeks prior to this incident, were you and</p> <p>19 Officer Lopera partners every day?</p> <p>20 A. I can't say with certainty every day, but a</p> <p>21 majority of the time, yes.</p> <p>22 Q. Okay. And I know you testified earlier.</p> <p>23 Is it typical for people to change partners on a</p> <p>24 daily basis, or it just depends on what duties you</p> <p>25 have?</p> | <p>1 the area around him. If there was someone trying to</p> <p>2 walk up on his stop, I would stop it so he could</p> <p>3 continue doing his investigation.</p> <p>4 Q. And then, since -- if Officer Lopera was</p> <p>5 contact, then you would take subliminal cues from him</p> <p>6 or hand signals from him or direct verbal words from</p> <p>7 him as to what he wanted you to do, if necessary?</p> <p>8 A. If necessary.</p> <p>9 Q. Would you as cover also be the person</p> <p>10 primarily responsible for radio communications?</p> <p>11 A. Yes.</p> <p>12 Q. And is that per Metro policy? I mean, is</p> <p>13 that how they train you?</p> <p>14 A. I can't recall specifically, but yes, it's</p> <p>15 part of our training. They're going to be giving</p> <p>16 their attention to who they're speaking with, and</p> <p>17 since I'm watching everything, I can give out the</p> <p>18 radio traffic if it's necessary.</p> <p>19 Q. Okay. So it was more than just the mode of</p> <p>20 operation between you and Officer Lopera, that was</p> <p>21 generally Metro policy that the person in contact is</p> <p>22 not the primary communicator on the radio.</p> <p>23 Is that fair?</p> <p>24 A. That's fair.</p> <p>25 Q. What aspects of Tashii Farmer's behavior</p> |
| Page 83  | Page 85  |
| <p>1 A. On that squad, it wasn't uncommon for it to</p> <p>2 happen.</p> <p>3 Q. But safe to say you had worked with Ken as</p> <p>4 partners for at least several weeks, correct?</p> <p>5 A. Correct.</p> <p>6 Q. Did you and Ken Lopera have your own method</p> <p>7 of operation in terms of where one was primarily the</p> <p>8 driver, one was primarily not the driver or --</p> <p>9 A. He would primarily drive when we would be</p> <p>10 driving.</p> <p>11 Q. So if he was the driver, was he also the</p> <p>12 primary contact usually when you guys had</p> <p>13 interactions with suspects?</p> <p>14 A. Yes.</p> <p>15 Q. And when he was the contact, what were your</p> <p>16 responsibilities as his partner?</p> <p>17 A. Cover.</p> <p>18 Q. And tell me what cover means.</p> <p>19 A. Well, are you talking about like for a</p> <p>20 vehicle stop or person stop or anything?</p> <p>21 Q. Well, let's start with a person stop.</p> <p>22 A. Okay. If he's going to be primary contact</p> <p>23 engaging in a conversation with someone, I would step</p> <p>24 back at I guess what would be we could call it a</p> <p>25 tactical advantage or a tactical L, and I would watch</p>                              | <p>1 would inform you that he had some degree of paranoia?</p> <p>2 A. I think it would be the -- saying that he</p> <p>3 just ran across the Strip, and he also got hit by a</p> <p>4 car, someone was following him. It didn't make</p> <p>5 sense, but it didn't arise like I guess a concern for</p> <p>6 ED, excited delirium.</p> <p>7 Q. I know you're, I believe it's CIT,</p> <p>8 crisis --</p> <p>9 A. Intervention.</p> <p>10 Q. Team or training?</p> <p>11 A. Team.</p> <p>12 Q. But to be on the team, you've had the</p> <p>13 training, correct?</p> <p>14 A. Correct.</p> <p>15 Q. And what does that encompass, what types of</p> <p>16 diseases or maladies does that entail?</p> <p>17 A. Various mental illnesses.</p> <p>18 I guess they have telling traits like maybe</p> <p>19 schizophrenia, you know, PTSD, you know, excited</p> <p>20 delirium, they have anxiety. It can be various</p> <p>21 different factors. Those are the ones I can think of</p> <p>22 right now.</p> <p>23 Q. So crisis intervention, that specific</p> <p>24 training is directed towards the paradigm of mental</p> <p>25 illness.</p>   |



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23 (Pages 86 to 89)

| Page 86  | Page 88   |
|--|---|
| <p>1 Is that fair?</p> <p>2 A. That's fair.</p> <p>3 Q. So it's not directed towards illegal</p> <p>4 narcotics, the effects of those?</p> <p>5 A. Correct. Yes.</p> <p>6 Q. But you hesitated, so I'm guessing that</p> <p>7 sometimes illegal narcotics is a part of a mental</p> <p>8 illness on occasion?</p> <p>9 A. On occasion, yes.</p> <p>10 Q. Can the effects of being under the</p> <p>11 influence of a controlled substance be misinterpreted</p> <p>12 as mental illness and vice versa?</p> <p>13 A. Yes, that's fair.</p> <p>14 Q. Is it a crime to be under the influence of</p> <p>15 a controlled substance in the State of Nevada?</p> <p>16 A. Yes.</p> <p>17 Q. Is it a crime to trespass in the State of</p> <p>18 Nevada?</p> <p>19 A. It is not a crime, no. NRS 207.200.</p> <p>20 Q. What about NRS 202?</p> <p>21 A. I'm not aware of right now.</p> <p>22 Q. Is it a crime to carjack a vehicle in the</p> <p>23 State of Nevada?</p> <p>24 A. Yes.</p> <p>25 Q. So when Officer Lopera handed you his</p>   | <p>1 there's no perceived threat, I'm going to have both</p> <p>2 of my hands available.</p> <p>3 Q. Better situational awareness, better</p> <p>4 capability?</p> <p>5 A. Yes.</p> <p>6 Q. Yes as to both?</p> <p>7 A. Yes.</p> <p>8 Q. How long from the time that Tashii Farmer</p> <p>9 approached you and Officer Lopera until you lost</p> <p>10 sight of them where you said it was around the</p> <p>11 corner? What was that rough timeline?</p> <p>12 A. Oh. Maybe approximately like 30 seconds to</p> <p>13 a minute. I honestly can't recall.</p> <p>14 Q. Okay. So that's just an estimate? We all</p> <p>15 understand it's been two years.</p> <p>16 MR. LAGOMARSINO: Dan, can I just take a</p> <p>17 pretty quick break?</p> <p>18 MR. McNUTT: Sure.</p> <p>19 MR. LAGOMARSINO: I need to get up. Just</p> <p>20 give me two minutes.</p> <p>21 MR. McNUTT: Okay.</p> <p>22 THE VIDEOGRAPHER: The time is</p> <p>23 approximately 12:24 p.m. We are going off the</p> <p>24 record.</p> <p>25 (A brief recess was taken.)</p>   |
| Page 87  | Page 89   |
| <p>1 coffee, what did that indicate to you was</p> <p>2 Officer Lopera's intention, if any?</p> <p>3 A. I think he was just trying to give more --</p> <p>4 stand at a more like a -- like a stance of what we</p> <p>5 were trained, I guess, it's a basic ready stance</p> <p>6 where, you know, he could be ready for anything if it</p> <p>7 were to happen.</p> <p>8 Q. So if you're having an interaction with an</p> <p>9 individual and you decide that you need both hands</p> <p>10 available, is there something that's prompted you to</p> <p>11 make that determination?</p> <p>12 A. It's just my training.</p> <p>13 Q. So Metro has a policy that says put down</p> <p>14 your coffee when you're talking to a civilian?</p> <p>15 A. I don't think they have a policy for that</p> <p>16 specifically.</p> <p>17 It's what I revert to back to my training,</p> <p>18 and I would only presume that he was doing the same.</p> <p>19 Q. So would it be fair to say that from your</p> <p>20 perception -- I mean -- let me strike that.</p> <p>21 If Ken would not have handed you your</p> <p>22 coffee, would you have put your coffee down?</p> <p>23 A. Yes. I try not to have anything in my</p> <p>24 hands. Even if it's a traffic stop with, you know,</p> <p>25 just a, I guess a regular citizen, you know, whether</p> | <p>1 THE VIDEOGRAPHER: The time is</p> <p>2 approximately 12:25 p.m. We are going back on the</p> <p>3 record.</p> <p>4 BY MR. McNUTT:</p> <p>5 Q. At the time of the incident, May 14th,</p> <p>6 2017, had you ever arrested anybody that was under</p> <p>7 the influence of a controlled substance?</p> <p>8 A. I can't recall any specifics, but I would</p> <p>9 presume that I have.</p> <p>10 Q. If you said in your CIRT report that you</p> <p>11 had not, would you go with that answer?</p> <p>12 A. Yes.</p> <p>13 Q. A little bit out of order, but when</p> <p>14 Mr. Lagomarsino was questioning you, he asked you how</p> <p>15 long it should take to subdue somebody or apprehend</p> <p>16 somebody using a lateral vascular neck restraint.</p> <p>17 Do you remember that?</p> <p>18 A. Yes.</p> <p>19 Q. And you said something less than</p> <p>20 10 seconds, correct?</p> <p>21 A. Yes.</p> <p>22 Q. Is that based on your training?</p> <p>23 A. Yes.</p> <p>24 Q. And did they also tell you during your</p> <p>25 training that if somebody was stronger than you or</p> |

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24 (Pages 90 to 93)

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|--|---|
| <p>1 better at ground fighting than you that it may take<br/>2 longer?<br/>3 A. I don't recall that, but it would make<br/>4 sense, yes.<br/>5 Q. So if somebody broke your grip around, then<br/>6 would it take longer?<br/>7 A. Yes.<br/>8 Q. Is striking an officer a crime in the State<br/>9 of Nevada?<br/>10 A. Yes.<br/>11 Q. Do you know what aggressive resistance is?<br/>12 A. I don't remember the definition verbatim, I<br/>13 can't remember.<br/>14 It's where their intent is to harm you.<br/>15 Q. And what about aggravated aggressive<br/>16 resistance?<br/>17 A. Are you looking for the definition?<br/>18 Q. Or just tell me -- put them in order, which<br/>19 is a lower threat versus a higher treat.<br/>20 A. Aggressive and then aggravated aggressive.<br/>21 Q. So aggravated aggressive is obviously<br/>22 higher?<br/>23 A. Correct. And that's post their intent to<br/>24 do harm.<br/>25 Q. You testified that you had not searched</p>   | <p>1 Q. Are you trained to assume that somebody<br/>2 you're interacting with could have a weapon on them,<br/>3 and therefore, if there's going to be a stop that you<br/>4 should for officer safety verify that they do not?<br/>5 A. Yes. I can do a pat-down. I need a<br/>6 consent for search.<br/>7 Q. What did you do to prepare for your<br/>8 deposition today?<br/>9 A. Briefly looked through my CIRT for the<br/>10 first like 30-some-odd pages. I stopped and briefly<br/>11 ran over my deposition from the previous.<br/>12 Q. Okay. Did you review any other depositions<br/>13 of other officers --<br/>14 A. No.<br/>15 Q. -- or other members of Metro?<br/>16 A. No.<br/>17 Q. And I don't want to -- obviously, you met<br/>18 with your lawyer --<br/>19 A. Yes.<br/>20 Q. -- in preparation for today or talked to<br/>21 him, correct?<br/>22 A. Yes.<br/>23 Q. And I don't want to -- I don't want you to<br/>24 tell me what he told you, but I do want to know<br/>25 topically. Don't tell me what he said about these</p>             |
| Page 91  | Page 93   |
| <p>1 Tashii Farmer for any weapons at any point during<br/>2 your interaction with him, correct?<br/>3 A. That's correct.<br/>4 Q. Had Officer Lopera searched Tashii Farmer<br/>5 for any weapons?<br/>6 A. Not that I can recall, no.<br/>7 Q. You testified that you visually looked at<br/>8 Tashii Farmer and did not see any weapons, correct?<br/>9 A. Correct.<br/>10 Q. Is that a sufficient search for officer<br/>11 safety to just simply visually search someone, or do<br/>12 you need to go hands-on to verify?<br/>13 A. Well, we've been taught that in order to<br/>14 search, it has to be a physical thing, I'm going to<br/>15 search your pockets to see if you have anything.<br/>16 But maybe the tell signs of if you have a<br/>17 weapon, I can look at your immediate area, your<br/>18 waistband or if you have a pocket knife that's, you<br/>19 know, clipped to your pocket, then I can see it.<br/>20 Q. Right. So you didn't see anything --<br/>21 A. Correct.<br/>22 Q. -- but you would not suggest at any point<br/>23 that merely visually inspecting somebody can confirm<br/>24 they don't have weapons?<br/>25 A. Correct.</p> | <p>1 things, but did he explain to you any of the<br/>2 testimony that the other officers have given?<br/>3 A. No.<br/>4 Q. You said that you were not familiar with<br/>5 the Venetian property, correct?<br/>6 A. Correct.<br/>7 Q. Was that the first time you had worked at<br/>8 the Venetian on duty?<br/>9 A. That I can recall, yes. I was -- I would<br/>10 typically be at, you know, Planet Hollywood or the<br/>11 Bellagio, but as far as familiarity with the<br/>12 Venetian, my scope needs to be more along the lines<br/>13 of where the security office is.<br/>14 Q. Do you know if Officer Lopera had ever<br/>15 worked at the Venetian before?<br/>16 A. I'm not sure.<br/>17 Q. It's true that you guys were initially<br/>18 assigned to the Hawaiian market that night, right?<br/>19 A. Right.<br/>20 Q. Why did you guys get redirected to the<br/>21 Venetian, do you recall?<br/>22 A. I do not.<br/>23 Q. There's been some back-and-forth discussion<br/>24 today about the employee-only area, the corridor, the<br/>25 hallway.</p> |

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25 (Pages 94 to 97)

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|--|---|
| <p>1 If I use any of those words, I'm talking<br/>2 about the restricted area into which Tashii Farmer<br/>3 ran.<br/>4 Is that okay?<br/>5 A. Yes.<br/>6 Q. In your CIRT statement, you identified it<br/>7 as an employee-only area.<br/>8 Is that accurate?<br/>9 MR. LAGOMARSINO: Hold on a second, sorry.<br/>10 I'm going to object to the form.<br/>11 MR. McNUTT: Okay.<br/>12 BY MR. McNUTT:<br/>13 Q. Do you recall that testimony?<br/>14 A. Yes.<br/>15 Q. What informed you that it was an<br/>16 employee-only area looking at it?<br/>17 A. At that time or now post --<br/>18 Q. If you can separate them, then at that<br/>19 time, at the time of your statement, you said it was<br/>20 an employee-only area.<br/>21 A. Because there were workers working on the<br/>22 floors.<br/>23 Q. Did that hallway look physically different<br/>24 to you than what's normally seen inside a casino<br/>25 where patrons are allowed to go?</p>                                      | <p>1 AL is your initials on the CIRT statement, "We did<br/>2 have --" the question is, "Does your custody plan<br/>3 change at that point?" Your answer was, quote, "We<br/>4 did have a custody plan," end quote.<br/>5 And it never really gets explained there,<br/>6 so that's why I'm asking now.<br/>7 A. Okay.<br/>8 Q. Do you remember what your custody plan was?<br/>9 A. I do not.<br/>10 Q. You also identified that there were four<br/>11 criteria for a legal 2000.<br/>12 Do you recall what those are?<br/>13 And please understand this is not a test,<br/>14 but I'm entitled to your best understanding of what<br/>15 those four criteria are.<br/>16 I mean, here you were pretty confident, you<br/>17 said there were four criteria, et cetera. So please<br/>18 tell me what they are.<br/>19 A. I guess show signs of self-mutilation,<br/>20 threats to others or themselves. I guess inability<br/>21 to provide the basic needs of clothing, food, and<br/>22 shelter. And I can't remember the fourth one.<br/>23 Q. Okay. And -- okay, fair enough.<br/>24 If it comes back to you, let me know.<br/>25 A. Okay.</p>                        |
| Page 95  | Page 97   |
| <p>1 A. Yeah. I believe the flooring was<br/>2 different.<br/>3 Q. The flooring is different, the lighting is<br/>4 different, all those types of things?<br/>5 A. I don't recall lighting. Flooring, I'll<br/>6 definitely say the flooring.<br/>7 Q. But pretty rare to have fluorescent<br/>8 lighting inside a casino floor?<br/>9 MR. LAGOMARSINO: Objection, form.<br/>10 BY MR. McNUTT:<br/>11 Q. Not quite the ambiance they're looking for,<br/>12 correct?<br/>13 A. Um-hum.<br/>14 MR. LAGOMARSINO: Same objection.<br/>15 BY MR. McNUTT:<br/>16 Q. On page 26 of your CIRT statement, you said<br/>17 that, "We did have a custody plan."<br/>18 What was your custody plan for Tashii<br/>19 Farmer?<br/>20 A. Well, we had never discussed prior to<br/>21 specifically that interaction with Mr. Farmer, and<br/>22 honestly, I don't remember the custody plan --<br/>23 Q. Okay.<br/>24 A. -- that we had or talked about.<br/>25 Q. I'll just reference LVMPD 1745, page 26.</p> | <p>1 Q. Is it your testimony that an individual<br/>2 showing signs of -- that's profusely sweating,<br/>3 showing signing of paranoia that then runs into a<br/>4 restricted area is not someone that should be further<br/>5 interrogated by the police?<br/>6 MR. LAGOMARSINO: Objection, form.<br/>7 THE WITNESS: I'm afforded officer<br/>8 discretion, especially on nights of Safe Strip where<br/>9 I guess it would be more appropriate for me to have<br/>10 my time available for someone who is going to be a<br/>11 victim of a crime such as a battery or an assault.<br/>12 So specifically, did he go in a restricted<br/>13 area? Sure. After all the videos, I can see that,<br/>14 yes. But I have officer discretion whether to engage<br/>15 or disengage into a foot pursuit or not and had it<br/>16 was, how it would be.<br/>17 I still don't think I was in a foot<br/>18 pursuit.<br/>19 BY MR. LAGOMARSINO:<br/>20 Q. So you have officer discretion. Does<br/>21 Officer Lopera have officer discretion?<br/>22 A. All officers do.<br/>23 Q. All officers do, correct?<br/>24 A. Yes.<br/>25 Q. So are you saying that Officer Lopera was</p> |

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26 (Pages 98 to 101)

| Page 98   | Page 100  |
|---|---|
| <p>1 from a policy perspective or a legal perspective<br/>2 wrong for following Tashii Farmer into that<br/>3 restricted area?<br/>4 A. I don't think he was -- he was wrong, but<br/>5 he had conversations with Mr. Farmer that I was not<br/>6 privy to when I had stepped away, so I don't if there<br/>7 was anything that had transpired beyond that that I<br/>8 wasn't aware of.<br/>9 Q. And so, essentially then, he had more<br/>10 information than you did, correct?<br/>11 A. Yes.<br/>12 Q. It's also a fact that you testified at your<br/>13 CIRT statement that you've never seen -- and you said<br/>14 that here today -- you never saw Tashii Farmer's<br/>15 pupils?<br/>16 A. Yes --<br/>17 Q. Do you remember that?<br/>18 A. -- I don't recall seeing his pupils.<br/>19 Q. What would be important about seeing his<br/>20 pupils?<br/>21 A. Like if they're dilated or if they're -- I<br/>22 don't know what medical term. If they're large or<br/>23 small.<br/>24 Q. And what would that indicate -- would that<br/>25 potentially indicate to you that the suspect was</p> | <p>1 Q. If you believe somebody that was under the<br/>2 influence of a controlled substance, you as an<br/>3 officer have reasonable suspicion to stop him,<br/>4 correct?<br/>5 A. Yes.<br/>6 Q. "Yes"?<br/>7 A. Yes.<br/>8 Q. If you as an officer see somebody running<br/>9 through a restricted area inside a casino and you're<br/>10 on Safe Strip, you have the discretion to stop that<br/>11 individual, correct?<br/>12 A. Yes.<br/>13 Q. Meaning you have the reasonable suspicion<br/>14 to do so, correct?<br/>15 A. Correct.<br/>16 Q. If Officer Lopera is the contact and you're<br/>17 the cover, so you're manning the radios, what is<br/>18 Metro's policy when you know your partner is in a<br/>19 foot pursuit, is there a policy of what you're<br/>20 supposed to do on the radio?<br/>21 A. The primary officer is responsible for<br/>22 giving out the description of a crime, the direction<br/>23 of travel.<br/>24 Q. Okay. And so, but if you don't hear him<br/>25 doing that, is there a policy for what the cover</p>  |
| Page 99   | Page 101  |
| <p>1 under the influence of a controlled substance?<br/>2 A. Yes.<br/>3 Q. That's one of the indicators, correct?<br/>4 A. Yes.<br/>5 Q. Which is a crime in the State of Nevada?<br/>6 A. Yes.<br/>7 Q. So you testified that you did not think<br/>8 officer -- excuse me -- Tashii Farmer was a threat to<br/>9 himself, correct?<br/>10 A. Correct.<br/>11 Q. And you did not -- you testified that you<br/>12 did not think he was a threat to you, correct?<br/>13 A. Correct.<br/>14 Q. Did you think he was a threat to anyone?<br/>15 A. Not at that time, no.<br/>16 Q. Okay. If you believed that he was under<br/>17 the influence of a controlled substance when you saw<br/>18 him run into a restricted area, would that cause you<br/>19 to follow him?<br/>20 A. It could, but again, I have the discretion<br/>21 not to.<br/>22 Q. Right, but it would also -- you could<br/>23 articulate that that's reasonable suspicion to follow<br/>24 him and to stop him, correct?<br/>25 A. Yes.</p>  | <p>1 should do?<br/>2 A. Say that we're separated?<br/>3 Q. Okay.<br/>4 A. Yes. But I don't know what direction they<br/>5 went. Maybe at best, the crime would be trespassing<br/>6 from my perception.<br/>7 Q. No, I wasn't going to that. I was asking<br/>8 actually what you answered.<br/>9 Is there some SOP, standard operating<br/>10 procedure, where you say, hey, I'm separated from my<br/>11 partner, we had, you know, an interaction with a<br/>12 suspect, and I don't know what is going on. I just<br/>13 didn't know if there was a policy like that?<br/>14 A. Yes, that's what I got written up for<br/>15 contact for, not getting out the radio traffic saying<br/>16 that my partner and I were separated.<br/>17 Q. Okay. Got you. Thank you.<br/>18 When we talked about that earlier, I<br/>19 thought it was restricted to not turning on the<br/>20 body-worn cam.<br/>21 So it was two things?<br/>22 A. I guess I don't understand. Two things for<br/>23 what? That I got a contact for?<br/>24 Q. Yeah, when you said you got written up --<br/>25 A. I got the contact for not leaving on the</p> |

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27 (Pages 102 to 105)

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|--|--|
| <p>1 radio traffic that my partner and I were separated.<br/>2 And I understand that it was my<br/>3 responsibility to say that I don't know what's going<br/>4 on, he and I are separated.<br/>5 Q. Fair enough.<br/>6 I was literally asking a higher level<br/>7 question, but I appreciate the detail, thank you.<br/>8 A. Um-hum.<br/>9 Q. Page 31 of your CIRT statement, you<br/>10 testified that Ken Lopera was a reasonable officer,<br/>11 in your opinion working with him?<br/>12 A. Yes.<br/>13 Q. Do you recall ever hearing Officer Lopera<br/>14 call a Code Red?<br/>15 A. That's the only radio traffic that I did<br/>16 hear was he asked for a Code Red and that was it.<br/>17 Q. And do you remember when and where you were<br/>18 at that point?<br/>19 A. Somewhere in the hallway. I can't tell you<br/>20 which hallway I was or where I was positioned at. I<br/>21 remember I was in a hallway.<br/>22 Q. And could you give me a timeline after the<br/>23 interaction started, or after you -- or let me put it<br/>24 this way -- after the last time you -- strike all<br/>25 that.</p> | <p>1 Q. You set the coffees down on the floor?<br/>2 A. Correct.<br/>3 Q. You turned around, and what did you see<br/>4 when you turned around?<br/>5 A. When I turned around, they were making<br/>6 their way down the hall. There were workers who were<br/>7 working on the floor, and I was watching my footing.<br/>8 At the time I looked up, they were gone through that<br/>9 bend that we have previously talked about.<br/>10 Q. Okay. And maybe it will be more clear once<br/>11 we watch the video because it's a little confusing to<br/>12 me when you talk about the hall whether you're out in<br/>13 the general corridor or whether it's in the<br/>14 restricted area.<br/>15 A. Sure.<br/>16 Q. So --<br/>17 A. My understanding is that it was where we<br/>18 had gone through the Coffee Bean to walk into the<br/>19 main part of the casino. There was like a little, a<br/>20 connecting passageway.<br/>21 Q. Where patrons and civilians were allowed to<br/>22 be, correct?<br/>23 A. That's correct.<br/>24 Q. Because in your CIRT statement, that was a<br/>25 little confusing to me because in your CIRT</p> |
| Page 103   | Page 105   |
| <p>1 Was the Code Red called after the last time<br/>2 you saw Tashii Farmer and Ken Lopera?<br/>3 A. After, yes.<br/>4 Q. Okay. Can you give me an estimate of how<br/>5 long after?<br/>6 A. Oh. Honestly, I can't remember. I can<br/>7 ballpark it, but I can't marry up to a number.<br/>8 Q. What is your ballpark?<br/>9 A. It was maybe about like a minute. It felt<br/>10 like it was -- it was forever for me to be able to<br/>11 get out of there.<br/>12 Q. Okay. Let's go back and I'll be pretty<br/>13 brief here because Andre went through a couple of<br/>14 these things.<br/>15 So Officer Lopera hands you his coffee?<br/>16 A. Yes.<br/>17 Q. You now have coffee in both hands?<br/>18 A. Yes.<br/>19 Q. You turn around to set the coffees down?<br/>20 A. Correct.<br/>21 Q. Are you guys in the middle of the hallway<br/>22 and you have to walk to the edge? How far away did<br/>23 you --<br/>24 A. I stepped away. My guess it would be five<br/>25 feet plus that I stepped away from him.</p>  | <p>1 statement, you talk about Tashii Farmer and<br/>2 Officer Lopera walking down the hallway, and when we<br/>3 get to the body-worn cam, it's pretty apparent that<br/>4 almost immediately Tashii Farmer is running down the<br/>5 restricted area. So that was a little confusion.<br/>6 A. Okay.<br/>7 Q. So when you're talking about walking down,<br/>8 this is in the area where you first have contact with<br/>9 Tashii Farmer in an area that he's authorized to be<br/>10 in, correct?<br/>11 A. That I remember, yes.<br/>12 MR. LAGOMARSINO: Objection as to the<br/>13 characterization of running.<br/>14 MR. McNUTT: Okay.<br/>15 BY MR. McNUTT:<br/>16 Q. What training have you had through Metro<br/>17 regarding use of force?<br/>18 So I understand what the training is<br/>19 through the academy, and although he hasn't been<br/>20 deposited in this case, Officer Bland -- do you know<br/>21 Sergeant Bland?<br/>22 A. I do not.<br/>23 Q. Sergeant Bland was disclosed as an expert<br/>24 for Las Vegas Metro regarding defensive tactics and<br/>25 things of that nature.</p>                                |



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| Page 106  | Page 108  |
|---|---|
| <p>1 But tell me about your use-of-force<br/>2 training that you've had in the academy and<br/>3 subsequent to the academy.<br/>4 A. Through the academy, we go through all the<br/>5 levels of a suspect's actions, if we deem him to be<br/>6 compliant all the way through aggravated aggressive,<br/>7 by policy what we are allowed to do, to fit the<br/>8 use-of-force model. And we have quarterly defensive<br/>9 tactics that we need to complete.<br/>10 I don't know what they are every quarter,<br/>11 they change.<br/>12 And then our training days.<br/>13 Q. And so, are you a defensive tactics<br/>14 instructor?<br/>15 A. I am not.<br/>16 Q. Or are you any other sort of certified<br/>17 instructor in use-of-force techniques?<br/>18 A. No.<br/>19 Q. So you participate in all the training, you<br/>20 comply with all the training, et cetera?<br/>21 A. Yes.<br/>22 Q. But you don't have any special --<br/>23 THE REPORTER: Wait, wait.<br/>24 MR. McNUTT: I'm sorry.<br/>25</p> | <p>1 Q. So when talking about the foot pursuit<br/>2 factors, you talked about safety of citizens, right?<br/>3 A. Yes.<br/>4 Q. And let's expand on that a little bit.<br/>5 So is a foot pursuit authorized, in your<br/>6 opinion, when you believe that a suspect has already<br/>7 committed or is committing a crime --<br/>8 A. Yes.<br/>9 Q. -- and then --<br/>10 A. Yes.<br/>11 Q. I'm sorry, just let me finish.<br/>12 A. Sorry.<br/>13 Q. Because we're getting looks from the court<br/>14 reporter.<br/>15 MR. McNUTT: Was that clear enough on that<br/>16 one?<br/>17 THE REPORTER: Yes.<br/>18 MR. McNUTT: Thank you.<br/>19 BY MR. McNUTT:<br/>20 Q. And it's also, I think your testimony was,<br/>21 if there were officer safety concerns, then a foot<br/>22 pursuit could also be authorized as well?<br/>23 A. Correct.<br/>24 Q. So if Ken Lopera's perception was that<br/>25 Tashii Farmer was under the influence of a controlled</p>  |
| Page 107  | Page 109  |
| <p>1 BY MR. McNUTT:<br/>2 Q. You don't have any specialized<br/>3 certifications or training to teach or train others?<br/>4 A. No.<br/>5 Q. At a very high level, does the -- do the<br/>6 use to form options become greater or smaller if you<br/>7 have more officers present?<br/>8 MR. LAGOMARSINO: Form.<br/>9 THE WITNESS: I guess I don't understand.<br/>10 I just want to -- before I answer, I want to make<br/>11 sure I'm understanding it right.<br/>12 BY MR. McNUTT:<br/>13 Q. Sure. That may not have been a model of<br/>14 clarity of a question.<br/>15 If you have more officers present at a<br/>16 stop, are there more options about how to handle the<br/>17 suspect?<br/>18 A. Yes.<br/>19 Q. Is it possible for an officer who is alone<br/>20 to have to use a different degree of force than an<br/>21 officer that has his partner with him?<br/>22 A. Yes.<br/>23 Q. Or an officer acting alone versus an<br/>24 officer with three people with him?<br/>25 A. Yes.</p>           | <p>1 substance and he perceived that Tashii Farmer fled<br/>2 into a restricted area of a casino, you would agree<br/>3 that he had reasonable suspicion to commence a foot<br/>4 patrol to pursue that individual, correct?<br/>5 MR. LAGOMARSINO: Objection to form.<br/>6 THE WITNESS: Yes.<br/>7 BY MR. McNUTT:<br/>8 Q. If your partner makes that decision and you<br/>9 were there, would you yell at him and say, "Don't do<br/>10 that," or would you back him up?<br/>11 A. I guess I'd back him up if I know there was<br/>12 a foot crime that we were going for or chasing for.<br/>13 I guess it could be fair to go either way.<br/>14 Are you speaking specifically on this incident?<br/>15 Q. Well, I was starting generally.<br/>16 A. Okay.<br/>17 Q. And meaning -- because you've already<br/>18 testified --<br/>19 A. Yes.<br/>20 Q. -- that different officers can have<br/>21 different perceptions?<br/>22 A. Correct.<br/>23 Q. And that both of those can be articulated<br/>24 as valid?<br/>25 A. Correct.</p> |

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| Page 110  | Page 112   |
|---|--|
| <p>1 Q. And one officer having one set of<br/>2 information can articulate reasonable suspicion,<br/>3 initiate a foot pursuit, correct?<br/>4 A. Correct.<br/>5 Q. And another officer can say, well, what I<br/>6 saw didn't amount to that?<br/>7 A. Correct.<br/>8 Q. And neither officer is incorrect?<br/>9 MR. LAGOMARSINO: Objection, misstates the<br/>10 legal standard.<br/>11 THE WITNESS: Correct.<br/>12 BY MR. McNUTT:<br/>13 Q. Did in any way I misstate your testimony?<br/>14 A. No, I think that's --<br/>15 MR. LAGOMARSINO: No. I just said the<br/>16 legal standard, not her testimony.<br/>17 MR. McNUTT: Okay. Gotcha. Thanks.<br/>18 Did I misstate the legal standard, Craig?<br/>19 MR. LAGOMARSINO: It's an objective<br/>20 officer, not a subjective officer.<br/>21 BY MR. McNUTT:<br/>22 Q. So now to this incident.<br/>23 So you put the coffee down. Had you not<br/>24 gotten disoriented, would you have continued to --<br/>25 would you have been by Ken's side as he pursued</p>  | <p>1 BY MR. McNUTT:<br/>2 Q. Okay. And my question is: You would not<br/>3 try -- I said you wouldn't try to physically restrain<br/>4 your partner and say no, no, no, we're not going to<br/>5 chase this guy because I don't perceive him to be a<br/>6 threat to others?<br/>7 A. That's correct.<br/>8 Q. You would not do that, correct?<br/>9 A. No. He had a conversation with him that I<br/>10 wasn't part of, maybe he got, you know, more<br/>11 reasonable suspicion or probable cause to chase and<br/>12 maybe he knew something that I didn't.<br/>13 Q. Correct, and you would give him the benefit<br/>14 of the doubt --<br/>15 A. Correct.<br/>16 Q. -- in that split second that he's making<br/>17 those decisions, correct?<br/>18 A. Correct.<br/>19 Q. And you would back him up?<br/>20 A. Correct.<br/>21 Q. But here today, we have a whole slew of<br/>22 other information, correct?<br/>23 A. Correct.<br/>24 Q. And essentially, we're looking back at the<br/>25 situation, and I know it's difficult for you.</p>  |
| Page 111  | Page 113   |
| <p>1 Tashii Farmer?<br/>2 That's all I'm asking or would --<br/>3 MR. LAGOMARSINO: Objection as to -- sorry.<br/>4 BY MR. McNUTT:<br/>5 Q. -- or would you have physically restrained<br/>6 Ken and said: Let's not do this, let's not run?<br/>7 MR. LAGOMARSINO: Objection as to<br/>8 disoriented.<br/>9 BY MR. McNUTT:<br/>10 Q. I thought that was your testimony earlier,<br/>11 that you were disoriented back in terms of where you<br/>12 were, but whatever your testimony was, it is.<br/>13 A. Correct. Can you restate the question.<br/>14 Q. Sure. Without getting into any of the<br/>15 reasons why you weren't, you know, on Ken's hip as he<br/>16 pursued Tashii Farmer, once you saw your partner<br/>17 initiate the foot pursuit, would you have -- even if<br/>18 you didn't think it justified it in your perception,<br/>19 would you follow him and pursue him, pursue your<br/>20 partner until the suspect was dealt with?<br/>21 MR. LAGOMARSINO: Form.<br/>22 THE WITNESS: I guess it -- if I was right<br/>23 there and I saw enough to put out on the radio<br/>24 traffic, I would, you know, handle the radio. You<br/>25 know, I guess I'd be with him.</p> | <p>1 A. Yes.<br/>2 Q. And I don't -- I don't want to make this<br/>3 any harder, but it's an important series of questions<br/>4 that must be answered. And so, please bear with me.<br/>5 Did you slip and fall in the wet area?<br/>6 A. I remember sliding.<br/>7 Q. You just slid --<br/>8 A. I remember --<br/>9 Q. -- and then caught your balance?<br/>10 A. -- sliding around.<br/>11 Q. And then, if I recall your testimony<br/>12 correctly, you said you checked a series of doors,<br/>13 some locked, some not locked, essentially.<br/>14 I think in your CIRT statement, you refer<br/>15 to it as an ATL?<br/>16 A. An attempt to locate.<br/>17 Q. Right. So you identify the phrase, right?<br/>18 A. I remember.<br/>19 Q. So you were attempting to locate both, in<br/>20 this instance, both Tashii Farmer and Ken Lopera?<br/>21 A. I was trying to find my partner, yes.<br/>22 Q. Did you try to find him on the radio?<br/>23 A. No. It's when -- I know in back houses of<br/>24 casinos, radio traffic is broken. It doesn't always<br/>25 get transmitted, whether I hear it or I end up</p> |

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\* \* \* Videotaped Deposition \* \* \*

30 (Pages 114 to 117)

| Page 114  | Page 116  |
|---|---|
| <p>1 putting it out.</p> <p>2 I didn't hear anything, I heard the Code</p> <p>3 Red.</p> <p>4 Policy says that once the Code Red is</p> <p>5 started, it's for the officer who initiated it. I</p> <p>6 wasn't there to give out radio traffic, you know.</p> <p>7 Q. Right, so I think we're pretty clear on it,</p> <p>8 but correct me if I'm wrong, once an officer calls</p> <p>9 Code Red, everybody is supposed to stay off the</p> <p>10 channel so he can talk?</p> <p>11 A. Unless it's pertinent to --</p> <p>12 Q. Him?</p> <p>13 A. Correct.</p> <p>14 Q. There's been testimony in this case by</p> <p>15 Detective Kasey Kirkegard.</p> <p>16 A. Um-hum.</p> <p>17 Q. Do you know who she is?</p> <p>18 A. Just through CIRT.</p> <p>19 Q. She's a CIRT officer, right?</p> <p>20 A. Yes.</p> <p>21 Q. In fact, I think she participated in your</p> <p>22 CIRT interview, correct?</p> <p>23 A. Yes.</p> <p>24 Q. And she testified that the radios did in</p> <p>25 fact work in that area of the back of the house.</p>   | <p>1 him.</p> <p>2 A. During my interaction, no. Maybe the use</p> <p>3 of drugs if I saw his pupils, but the mental illness,</p> <p>4 no.</p> <p>5 Q. Right, because that's not a crime?</p> <p>6 A. Correct.</p> <p>7 Q. But if your partner, Ken Lopera, who did --</p> <p>8 well, it would appear that his body cam saw Tashii</p> <p>9 Farmer's pupils, and you testified that you did not.</p> <p>10 If he perceived that Tashii Farmer was</p> <p>11 under the influence of a controlled substance, then</p> <p>12 he would in fact have reasonable suspicion and</p> <p>13 probable cause, correct?</p> <p>14 MR. LAGOMARSINO: Objection, form,</p> <p>15 foundation.</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MR. McNUTT:</p> <p>18 Q. Let me just break it down.</p> <p>19 He would have reasonable suspicion to stop</p> <p>20 Tashii Farmer, correct?</p> <p>21 A. Yes.</p> <p>22 Q. And he would have probable cause to arrest</p> <p>23 Tashii Farmer, correct?</p> <p>24 A. For?</p> <p>25 Q. For being under the influence of a</p>   |
| Page 115  | Page 117  |
| <p>1 Are you aware of that at all?</p> <p>2 A. I wasn't aware.</p> <p>3 Q. So my question is simply, if I didn't make</p> <p>4 it clear earlier, did you attempt to contact Ken or</p> <p>5 just because you were in the back house you didn't</p> <p>6 even try?</p> <p>7 A. Yeah, I did not. It was under the</p> <p>8 presumption that they wouldn't work, but I never</p> <p>9 attempted.</p> <p>10 Q. Okay. You testified reasonable suspicion</p> <p>11 for a stop, as an officer in Nevada, you can actually</p> <p>12 detain somebody for up to 60 minutes, correct?</p> <p>13 A. Correct.</p> <p>14 Q. Without probable cause?</p> <p>15 A. Correct.</p> <p>16 Q. In response to a question was there any</p> <p>17 reasonable suspicion that Tashii Farmer had committed</p> <p>18 a crime, you said no.</p> <p>19 Do you remember that?</p> <p>20 A. I guess with more of the context.</p> <p>21 Q. Let me ask you this: Do you think there</p> <p>22 was reasonable suspicion to believe that Tashii</p> <p>23 Farmer had committed a crime?</p> <p>24 A. When he first approached us?</p> <p>25 Q. At any point during your interaction with</p> | <p>1 controlled substance.</p> <p>2 A. Correct.</p> <p>3 Q. You testified in response to</p> <p>4 Mr. Lagomarsino's questioning that you did not</p> <p>5 perceive Tashii Farmer to be mentally ill based on</p> <p>6 your brief interaction with him.</p> <p>7 Is that fair?</p> <p>8 A. That's fair.</p> <p>9 Q. Okay. So if he wasn't -- sitting here</p> <p>10 today, if he wasn't mentally ill, what would cause</p> <p>11 him to be profusely sweating and erratic behavior and</p> <p>12 act paranoid?</p> <p>13 A. The fact that he stated that he ran across</p> <p>14 the boulevard and that someone was chasing him.</p> <p>15 Q. Does physical exertion give rise to</p> <p>16 paranoia?</p> <p>17 MR. LAGOMARSINO: Form, foundation.</p> <p>18 THE WITNESS: I'm not completely familiar</p> <p>19 with, I guess, the essentials of paranoia. So</p> <p>20 possibly, but I can't say for sure. I'm not --</p> <p>21 BY MR. McNUTT:</p> <p>22 Q. You testified in your CIRT statement that</p> <p>23 he nailed two of the elements of excited delirium,</p> <p>24 one was profusely sweating and one was paranoia?</p> <p>25 A. Yes.</p> |

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| Page 118  | Page 120  |
|---|---|
| <p>1 Q. So I think would that refresh your<br/>2 recollection that you're at least passingly familiar<br/>3 with paranoia?<br/>4 A. Passingly.<br/>5 Q. Okay.<br/>6 A. Yes.<br/>7 Q. So if he's not mentally ill and he's<br/>8 exhibiting signs of paranoia and profusely sweating,<br/>9 what would that cause you to believe was the issue?<br/>10 A. Maybe he's in a mental crisis, maybe.<br/>11 Under the influence.<br/>12 Q. Under the influence of a controlled<br/>13 substance?<br/>14 A. Yes.<br/>15 Q. "Yes"?<br/>16 A. Yes.<br/>17 Q. I mean, that's a reasonable conclusion,<br/>18 correct?<br/>19 A. Yes.<br/>20 Q. For a patrol officer?<br/>21 A. Yes.<br/>22 MR. LAGOMARSINO: Form, foundation.<br/>23 BY MR. McNUTT:<br/>24 Q. Does a patrol officer need to have<br/>25 specialized training to determine that someone is</p>   | <p>1 Q. I have a few questions, and we are going to<br/>2 watch the body-worn camera of Ken Lopera.<br/>3 A. Okay.<br/>4 Q. And you have previously seen that; is that<br/>5 correct?<br/>6 A. It's been a long time, but yes, I have seen<br/>7 it.<br/>8 Q. In what context did you see it? Because I<br/>9 remember you mentioned like YouTube videos.<br/>10 A. I think the first time I saw it was at the<br/>11 CIRT interview, and then the Tactical Review Board.<br/>12 Q. So you watched it --<br/>13 A. Yes.<br/>14 Q. -- in a formal context?<br/>15 A. Yes.<br/>16 Q. Okay. How long ago has it been since<br/>17 you've watched it?<br/>18 A. The Tactical Review Board, I want to say it<br/>19 was like in August or September of that same year,<br/>20 2017.<br/>21 Q. Okay. And you haven't watched it since?<br/>22 A. Hum-um.<br/>23 Q. I'm going to show you a couple things. I<br/>24 just have a couple questions so that we can orient<br/>25 some of your testimony to especially with respect to</p> |
| Page 119  | Page 121  |
| <p>1 under the influence of a controlled substance, or is<br/>2 that the type of training that a normal patrol<br/>3 officer has when they report on the street?<br/>4 A. I think it's training that's supported<br/>5 through the academy. I mean, different signs.<br/>6 Q. Okay. I've got a few more questions, but<br/>7 we're going to watch a little bit of the body cam.<br/>8 A. Can I take a break before we do that?<br/>9 Q. Absolutely.<br/>10 A. Okay.<br/>11 MR. LAGOMARSINO: You need a restroom?<br/>12 THE WITNESS: Yes.<br/>13 MR. LAGOMARSINO: Okay.<br/>14 THE VIDEOGRAPHER: The time is<br/>15 approximately 12:56 p.m. We are going off the<br/>16 record.<br/>17 (A recess was taken.)<br/>18 THE VIDEOGRAPHER: The time is<br/>19 approximately 1:03 p.m. We are going back on the<br/>20 record.<br/>21 BY MR. McNUTT:<br/>22 Q. Officer Lif?<br/>23 A. Yes.<br/>24 Q. You're still under oath.<br/>25 A. Yes.</p> | <p>1 the hallway.<br/>2 A. Sure.<br/>3 Q. So we can understand that.<br/>4 MR. McNUTT: Madam Court Reporter, I will<br/>5 be giving some timestamps on the body-worn camera as<br/>6 it's been produced by the Metropolitan Police<br/>7 Department.<br/>8 So if I say we're at 30 seconds, that's<br/>9 simply 30 seconds into the body-worn camera.<br/>10 THE REPORTER: You don't want me to take<br/>11 down --<br/>12 MR. McNUTT: You do not have to transcribe<br/>13 what is coming off the body-worn camera, only my<br/>14 questions and Officer Lif's responses.<br/>15 THE REPORTER: Okay.<br/>16 MR. McNUTT: Thank you.<br/>17 (Excerpts from Officer Lopera's<br/>18 body-worn camera are shown.)<br/>19 BY MR. McNUTT:<br/>20 Q. So we're here at 0000 on the timestamp in<br/>21 the lower left-hand corner.<br/>22 Do you see that?<br/>23 A. Yes.<br/>24 Q. And this is the body-worn camera that's<br/>25 been produced by LVMPD in this case.</p>  |

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|--|--|
| <p>1 Does this look like the one you've seen<br/>           2 before, at least this first frame?<br/>           3 A. At least, yes.<br/>           4 Q. Do you recognize Tashii Farmer in this<br/>           5 frame?<br/>           6 A. That's him, yes.<br/>           7 Q. That's him there on the center left of<br/>           8 Ken Lopera's body-worn camera?<br/>           9 A. Yes.<br/>           10 Q. And you understand that that is<br/>           11 Ken Lopera's left hand holding a cup of coffee?<br/>           12 A. Yes.<br/>           13 Q. So my first question is: The hallway that<br/>           14 you're in now with kind of the glossy floor, do you<br/>           15 see that?<br/>           16 A. Um-hum.<br/>           17 Q. Where Tashii Farmer and Ken Lopera are<br/>           18 standing.<br/>           19 At this point, is this where you said<br/>           20 you're maybe 2 to 3 feet to Ken Lopera's right?<br/>           21 I believe that was your testimony.<br/>           22 A. I believe so, yes. Yeah.<br/>           23 Q. Okay.<br/>           24 A. Makes sense.<br/>           25 Q. I'm not trying to --</p>   | <p>1 So I presume that that's when he handed it<br/>           2 to you, correct?<br/>           3 A. Yeah. I remembered taking it while he was<br/>           4 talking to him, but...<br/>           5 Q. Okay, but memories can be different.<br/>           6 A. Sure.<br/>           7 Q. Now, put into context the words you said<br/>           8 that you heard Tashii Farmer say with respect to, you<br/>           9 know, somebody was chasing him and he ran across the<br/>           10 street.<br/>           11 A. What do you mean put it into context?<br/>           12 Q. Time context. So we've only watched<br/>           13 12 seconds of the video.<br/>           14 Do you know when those words were spoken or<br/>           15 at what part of the video you heard them?<br/>           16 A. I don't remember.<br/>           17 What I remember and what's shown on the<br/>           18 camera, I think, are completely different.<br/>           19 I remember standing there and watching them<br/>           20 while they were speaking. I don't remember all this<br/>           21 movement.<br/>           22 Q. Now, as the camera has turned, we've got<br/>           23 several yellow cones with a chain attaching them<br/>           24 that's cordoning off this employee hallway, correct?<br/>           25 A. Um-hum. Yes.</p>  |
| Page 123   | Page 125   |
| <p>1 A. And that's the thing. I don't recall this<br/>           2 area.<br/>           3 Q. Okay.<br/>           4 A. Doesn't ring any bells clearly. You know,<br/>           5 he and I were there, that's his camera.<br/>           6 Q. Okay.<br/>           7 A. So I presume that I was on his right.<br/>           8 Q. Fair enough.<br/>           9 And in this area, patrons and police<br/>           10 officers are authorized to be. This is a public area<br/>           11 that's in the casino. This is that connector you<br/>           12 talked about?<br/>           13 A. Yes.<br/>           14 Q. And of course, as we start to watch this,<br/>           15 there's no sound because your body-worn cameras don't<br/>           16 have sound until after 30 seconds, correct?<br/>           17 A. Correct.<br/>           18 Q. So do you remember any of that interaction<br/>           19 where Tashii Farmer approached Officer Lopera and you?<br/>           20 A. I don't remember him double backing or<br/>           21 sidestepping. I don't remember that.<br/>           22 Q. Okay. So let's watch a little further.<br/>           23 So Officer Lopera turns to his right, and<br/>           24 when he comes back, he doesn't have coffee in his<br/>           25 hands.</p> | <p>1 Q. Does that comport with your recollection?<br/>           2 A. Yeah. I don't remember it being that far<br/>           3 of a, I guess a distance from that main walkway, I<br/>           4 guess that employee hall.<br/>           5 Q. Do you remember the cones and the chain<br/>           6 cordoning it off from the public?<br/>           7 A. I remember the cones. I don't remember the<br/>           8 chain. I don't remember stepping over a chain.<br/>           9 Clearly, they're there.<br/>           10 Q. And then, these are the doors, in this<br/>           11 frame we're at 12 seconds, and you mentioned earlier<br/>           12 when you were talking to Mr. Lagomarsino that your<br/>           13 memory was that both doors were open, but clearly,<br/>           14 they weren't, right?<br/>           15 A. Yeah.<br/>           16 Q. So at or around 12 seconds, that's where we<br/>           17 see Tashii Farmer stumble or run, however you want to<br/>           18 define it, through the cordoned-off area.<br/>           19 You would agree with me on that?<br/>           20 A. Yes.<br/>           21 Q. How would you define what he did going<br/>           22 through the blocked-off area?<br/>           23 A. He went through the blocked-off area. I<br/>           24 mean, he just walked through the chain.<br/>           25 Q. Okay. Did you see that on the night of the</p> |

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| Page 126  | Page 128  |
|---|---|
| <p>1 incident?</p> <p>2 I know you just saw it on the body-worn</p> <p>3 camera. Do you recall seeing that physically?</p> <p>4 A. No.</p> <p>5 Q. So that wasn't part of the erratic behavior</p> <p>6 that you observed, but that's clearly some of the</p> <p>7 erratic behavior that Officer Lopera observed,</p> <p>8 correct?</p> <p>9 A. Yes.</p> <p>10 MR. LAGOMARSINO: Form, foundation.</p> <p>11 BY MR. McNUTT:</p> <p>12 Q. Would you agree with me, and we'll back it</p> <p>13 up if you want, that Officer Lopera had the ability</p> <p>14 to view Tashii Farmer's pupils --</p> <p>15 MR. LAGOMARSINO: Form, foundation.</p> <p>16 BY MR. McNUTT:</p> <p>17 Q. -- during this interaction?</p> <p>18 A. He was close. Yes.</p> <p>19 Q. So "Yes" or "No" --</p> <p>20 A. Yes.</p> <p>21 Q. -- he could observe his pupils?</p> <p>22 A. Yes.</p> <p>23 MR. LAGOMARSINO: Same objection. Sorry.</p> <p>24 BY MR. McNUTT:</p> <p>25 Q. And that would inform Officer Lopera of a</p>   | <p>1 Q. Again, not a test. You don't have to know</p> <p>2 it. If you don't know, you don't know.</p> <p>3 A. I wish I could give you an answer.</p> <p>4 Q. "I don't know" is an answer --</p> <p>5 A. Okay.</p> <p>6 Q. -- and that's okay.</p> <p>7 So at this point, Tashii Farmer, would you</p> <p>8 agree with me that he's clearly in the employee-only</p> <p>9 area hallway?</p> <p>10 A. Yes.</p> <p>11 Q. Now, when you testified earlier about the</p> <p>12 last that you saw of your partner and Tashii Farmer</p> <p>13 was when you said something like went around the bend</p> <p>14 or went around the corner?</p> <p>15 A. Yes.</p> <p>16 Q. Do you remember that?</p> <p>17 A. Yes.</p> <p>18 Q. So has that already occurred?</p> <p>19 A. No. I believe it's still further, further</p> <p>20 up.</p> <p>21 Q. Okay. So tell me -- I'm sorry.</p> <p>22 A. No. That's fine.</p> <p>23 Q. So tell me when you see that. That's my</p> <p>24 next question.</p> <p>25 A. Okay.</p>                                  |
| Page 127  | Page 129  |
| <p>1 reasonable suspicion of whether or not a suspect was</p> <p>2 under the influence of a controlled substance?</p> <p>3 A. Yes.</p> <p>4 Q. Officer Lopera reaches out with both hands</p> <p>5 as Tashii Farmer stumbles through the cones and the</p> <p>6 chains.</p> <p>7 Did you see that?</p> <p>8 A. Not that I can recall, no.</p> <p>9 Q. I mean, did you see that on the video?</p> <p>10 A. On the video, yes.</p> <p>11 Q. Okay. And you don't -- so you didn't see</p> <p>12 this when it happened.</p> <p>13 Do you recall hearing anything when this</p> <p>14 happened?</p> <p>15 A. Not specifically. It was -- I remember it</p> <p>16 being loud. There were many people. There was music</p> <p>17 playing. There was a lot going on.</p> <p>18 Q. It's a casino, of course. Lot of</p> <p>19 background noise.</p> <p>20 At this point, would you have any estimate</p> <p>21 of maybe how far away you were or no?</p> <p>22 A. I can't remember. It was probably quite a</p> <p>23 distance now because I don't remember that hallway</p> <p>24 being that far away from that main pedestrian</p> <p>25 walkways.</p> | <p>1 Q. So we're now at 17 seconds in.</p> <p>2 So at 20 seconds, 21 seconds,</p> <p>3 Officer Lopera clearly wiped out on the slippery</p> <p>4 floor?</p> <p>5 A. Yes.</p> <p>6 Q. He's up, he retrieves his flashlight?</p> <p>7 A. So right there, there's your bend.</p> <p>8 Q. Okay. So that's a left-hand turn, a</p> <p>9 90-degree angle, in this employee-only area hallway,</p> <p>10 correct?</p> <p>11 A. Yes.</p> <p>12 Q. And that's the part where you testified</p> <p>13 earlier that that's the last you saw of your partner,</p> <p>14 right?</p> <p>15 A. Yes.</p> <p>16 Q. So tell me what you saw.</p> <p>17 A. That's just him running away. I don't</p> <p>18 recall it being a 90-degree. I thought it was more</p> <p>19 of like a softer angle, so...</p> <p>20 Q. And we're not here to argue degrees of</p> <p>21 bends in the hall.</p> <p>22 I'm just saying, so at that point, are you</p> <p>23 in the hallway as well?</p> <p>24 A. I believe I'm in the hallway at the</p> <p>25 slippery point.</p> |

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| Page 130  | Page 132  |
|---|---|
| <p>1 Q. Okay.</p> <p>2 A. I can't remember exactly where.</p> <p>3 Q. And you're seeing the back of</p> <p>4 Officer Lopera's uniform?</p> <p>5 A. Yes.</p> <p>6 Q. So now, he's taken the left and he's</p> <p>7 continuing down this other hallway.</p> <p>8 So we'll just stop it right there, and</p> <p>9 we're stopped at 34 seconds.</p> <p>10 What did you do after you saw the back of</p> <p>11 his uniform?</p> <p>12 A. I don't know where they went. So I don't</p> <p>13 know how much further behind that I was. I don't</p> <p>14 know.</p> <p>15 I didn't know there was a right-hand turn</p> <p>16 after that. I thought it immediately ran into a</p> <p>17 stairwell. So I tried to check doors and stuff to</p> <p>18 see if they had gone into anywhere else.</p> <p>19 Q. Okay. So let me break it down a little bit</p> <p>20 based on your testimony.</p> <p>21 You obviously went over the same very</p> <p>22 slippery area?</p> <p>23 A. Correct.</p> <p>24 Q. I don't think I asked this. Did you see</p> <p>25 Ken fall? In person, not on the video.</p>  | <p>1 doors and see if they had gone into anywhere else.</p> <p>2 Q. Okay. I just backed it up to 23 which is</p> <p>3 about where he fell, where he's getting back up from</p> <p>4 falling.</p> <p>5 So I want to watch it now that we've got</p> <p>6 that testimony and so we can put it in context where</p> <p>7 you last saw him, "him" being Ken Lopera.</p> <p>8 So he takes a left. You took that same</p> <p>9 left?</p> <p>10 A. I'm going to say yes.</p> <p>11 Q. I'm sorry?</p> <p>12 A. I believe so, yes.</p> <p>13 Q. And there's a Pepsi machine on the right</p> <p>14 and some more cones. We're around 35 to 45 seconds</p> <p>15 variously.</p> <p>16 Do you recall seeing that part?</p> <p>17 A. I do not.</p> <p>18 Q. Okay. Now Ken is going through a door, and</p> <p>19 you don't recall --</p> <p>20 A. I don't recall.</p> <p>21 Q. -- any of this?</p> <p>22 A. No.</p> <p>23 Q. Okay. So all of this, you've only seen</p> <p>24 from --</p> <p>25 A. From his -- I don't recall I ever went to</p>  |
| Page 131  | Page 133  |
| <p>1 A. No, not that I remember.</p> <p>2 Q. Okay.</p> <p>3 A. I mean, clearly, it's happened. It's in</p> <p>4 every video that I've seen on this.</p> <p>5 Q. No question. So the last time you saw your</p> <p>6 partner, were you on that slippery area, were you</p> <p>7 past that slippery area? Can that put it in context?</p> <p>8 A. I don't remember if I was on or past it. I</p> <p>9 don't know. I don't remember.</p> <p>10 Q. Okay. So the last thing you saw was</p> <p>11 Ken Lopera taking this left --</p> <p>12 A. Yes.</p> <p>13 Q. -- around the bend or around the corner, as</p> <p>14 you've testified, right?</p> <p>15 A. Yes.</p> <p>16 Q. Did you follow down that hallway and go to</p> <p>17 the left as well?</p> <p>18 A. Yes. That's the last I saw them.</p> <p>19 Q. Okay. And then, so when you got around the</p> <p>20 bend, then what?</p> <p>21 A. From what I remember without seeing the</p> <p>22 video that it turned right into the stairwell. And</p> <p>23 on the video, it clearly shows that there's another</p> <p>24 right-hand turn.</p> <p>25 But at some point, I started to check the</p> | <p>1 any stairs. I could have. I know, at some point, I</p> <p>2 was in an elevator, and I don't remember how I got</p> <p>3 there.</p> <p>4 Q. Okay. So at 1:01, 1:02, he obviously calls</p> <p>5 your name?</p> <p>6 A. Yes.</p> <p>7 Q. You never heard that?</p> <p>8 A. No.</p> <p>9 Q. Okay. So you just heard Officer Lopera say</p> <p>10 "Somebody running," correct?</p> <p>11 A. Um-hum.</p> <p>12 Q. And we know that he was saying that to a</p> <p>13 Venetian security guard.</p> <p>14 Have you heard that part?</p> <p>15 A. I didn't know that. I know the security</p> <p>16 guards are all down there. I didn't know that was</p> <p>17 who he was speaking to.</p> <p>18 Q. That's been made pretty clear.</p> <p>19 So all of that part after you said you saw</p> <p>20 him turn that left corner, by the time you got to</p> <p>21 that corner or that bend, he was no more in your</p> <p>22 purview --</p> <p>23 A. Yes.</p> <p>24 Q. -- and you never heard him call your name?</p> <p>25 A. Correct.</p> |

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|--|--|
| <p style="text-align: right;">Page 134</p> <p>1 Q. Or you never heard him call your name?</p> <p>2 A. Correct.</p> <p>3 Q. Now, I'm just going to show just a few more</p> <p>4 seconds to orient you on the area that Ken came out</p> <p>5 in terms of that street.</p> <p>6 Is this the area where you said you were --</p> <p>7 do you remember where you -- wait. Strike all that.</p> <p>8 Does seeing this at all refresh your</p> <p>9 recollection about where you exited the Venetian?</p> <p>10 A. No.</p> <p>11 Q. Okay.</p> <p>12 A. That entire drive is probably the better</p> <p>13 part of 300-plus meters that looks exactly the same</p> <p>14 with the crosses and the...</p> <p>15 Q. Okay. Okay.</p> <p>16 So a little hard to see, but take my word</p> <p>17 for it, that's Tashii Farmer in the frame, correct?</p> <p>18 A. Okay.</p> <p>19 Q. You heard Ken's voice, "Stop, don't move"?</p> <p>20 A. Yes.</p> <p>21 Q. And we're at 1 minute 34, and we see the</p> <p>22 white Toyota truck in the frame too, right?</p> <p>23 A. Yes.</p> <p>24 Q. Is Officer Lopera's command a lawful</p> <p>25 command at that point?</p>  | <p style="text-align: right;">Page 136</p> <p>1 weapons, correct?</p> <p>2 A. Correct.</p> <p>3 Q. So Officer --</p> <p>4 MR. LAGOMARSINO: Hold on.</p> <p>5 I'm just going to lodge an ongoing</p> <p>6 objection as to what her testimony is as to what</p> <p>7 Officer Lopera thought or did or didn't do as a</p> <p>8 result of what he may have thought.</p> <p>9 BY MR. McNUTT:</p> <p>10 Q. So at this point, one TASER strike has</p> <p>11 occurred and Tashii Farmer is on his back, correct?</p> <p>12 A. Yes.</p> <p>13 Q. And Officer Lopera before the objection</p> <p>14 just said, "Don't move," correct?</p> <p>15 A. Yes.</p> <p>16 Q. And if you want me to back it up, we can</p> <p>17 replay that.</p> <p>18 A. He said, "Don't move."</p> <p>19 Q. That's a lawful command, correct?</p> <p>20 A. Yes.</p> <p>21 Q. Now, what is Tashii Farmer doing after</p> <p>22 Ken Lopera said, "Don't move"?</p> <p>23 A. He's trying to stand up.</p> <p>24 Q. Is that complying with a lawful command?</p> <p>25 A. No.</p>   |
| <p style="text-align: right;">Page 135</p> <p>1 A. Yes.</p> <p>2 Q. Tell me if Tashii Farmer complies with that</p> <p>3 lawful command.</p> <p>4 Is it per policy to warn somebody they're</p> <p>5 going to get tased before they get tased?</p> <p>6 A. I believe if it's reasonable.</p> <p>7 Q. So meaning you don't have to if you don't</p> <p>8 have time, correct?</p> <p>9 A. I can't recall verbatim. In my</p> <p>10 understanding, I believe if it's reasonable, you do</p> <p>11 it.</p> <p>12 Q. Okay. So at this point, from what you've</p> <p>13 seen on the body cam and what you know from your</p> <p>14 first-person experience up until you didn't have a</p> <p>15 first-person experience, Tashii Farmer has never been</p> <p>16 checked for weapons, correct?</p> <p>17 A. Correct.</p> <p>18 Q. So if Officer Lopera's perspective is that</p> <p>19 this is an individual under the influence of a</p> <p>20 controlled substance that fled down a restricted area</p> <p>21 of a casino and was not listening to his lawful</p> <p>22 command at that point, correct?</p> <p>23 A. Correct.</p> <p>24 Q. And Officer Lopera at this point also</p> <p>25 doesn't know whether or not Tashii Farmer has any</p> | <p style="text-align: right;">Page 137</p> <p>1 Q. If you were that officer, would you cycle</p> <p>2 the TASER again?</p> <p>3 A. No.</p> <p>4 Q. You wouldn't?</p> <p>5 A. He's at a tactical advantage where he can</p> <p>6 go hands on at that point.</p> <p>7 Q. So you think Officer Lopera by himself</p> <p>8 should have at this point dropped the TASER and gone</p> <p>9 hands on with Tashii Farmer?</p> <p>10 A. It was an option. He already cycled it one</p> <p>11 time and it was rendered ineffective. It didn't get</p> <p>12 the five seconds -- it didn't get the NMI or the</p> <p>13 neuromuscular incapacitation.</p> <p>14 Q. And so, you think that it's reasonable --</p> <p>15 well, let me just ask you.</p> <p>16 That's what would you have done, correct?</p> <p>17 A. That's what I would have done.</p> <p>18 Q. Is it unreasonable for another officer to</p> <p>19 cycle the TASER again?</p> <p>20 A. No.</p> <p>21 Q. And it's still per policy you can do that,</p> <p>22 right?</p> <p>23 A. For three times, yes.</p> <p>24 Q. Isn't it true that an officer alone can</p> <p>25 actually cycle the TASER more if necessary?</p> |

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| Page 138  | Page 140   |
|---|--|
| <p>1 A. I'm not aware of that policy. I'm aware of<br/>2 up to three times that it's deemed ineffective and<br/>3 another force option shall be used.<br/>4 Q. Okay. And if it's deemed ineffective after<br/>5 the third time, what would the other force options<br/>6 be?<br/>7 A. There are multiple ways. You can go hands<br/>8 on. You can do, you know, the LVNR. You can use OC<br/>9 spray.<br/>10 Hand distracts, baton strikes.<br/>11 Q. So all of those things --<br/>12 A. Yes.<br/>13 Q. -- could be used?<br/>14 A. Yes.<br/>15 Q. Which one would you have done since you<br/>16 wouldn't have used the TASER again?<br/>17 A. I would have gone hands on.<br/>18 Q. Like physical --<br/>19 A. Yes.<br/>20 Q. -- hands?<br/>21 A. Yes.<br/>22 Q. You would have struck Tashii Farmer?<br/>23 A. Either that or try to use my body weight to<br/>24 hold him down and get his hands.<br/>25 Q. Okay. That also has risks, right --</p>              | <p>1 MR. LAGOMARSINO: Noted.<br/>2 BY MR. McNUTT:<br/>3 Q. So what just happened? Tell me.<br/>4 A. He got the red.<br/>5 Q. Okay.<br/>6 A. He asked for the red.<br/>7 Q. And is that what you remember hearing?<br/>8 A. I remember him asking it, yes.<br/>9 Q. Now, sometimes when you watch things or the<br/>10 more you deal with something, your memory is<br/>11 refreshed.<br/>12 Do you have any recollection as to where<br/>13 you were when you heard that?<br/>14 A. I was in the hallway, but I have no idea<br/>15 which hallway now.<br/>16 Q. I was going to say, you were in a hallway?<br/>17 A. I was in a hallway.<br/>18 Q. Inside of the casino?<br/>19 A. Inside of the casino.<br/>20 Q. Fair enough.<br/>21 Sufficient for my purposes, this is not at<br/>22 the point where you were outside running, correct?<br/>23 A. That's correct.<br/>24 Q. So Officer Lopera again, "Don't move"?<br/>25 A. Yes.</p> |
| Page 139  | Page 141   |
| <p>1 A. Correct.<br/>2 Q. -- because you're putting your weapon belt<br/>3 in close proximity to somebody, correct?<br/>4 A. Correct.<br/>5 Q. But suffice it to say that, at this point,<br/>6 Tashii Farmer has disobeyed at least two lawful<br/>7 commands, correct?<br/>8 A. Yes.<br/>9 Q. "Stop," "Don't move," and then, "Don't<br/>10 move" again, correct?<br/>11 A. Yes.<br/>12 MR. LAGOMARSINO: Dan, can you do your best<br/>13 to identify what time on the video you are referring<br/>14 to when you're asking these questions.<br/>15 MR. McNUTT: Okay. Sure. I think I have<br/>16 done my best, but I'll do better.<br/>17 MR. LAGOMARSINO: I appreciate that.<br/>18 BY MR. McNUTT:<br/>19 Q. So at this point, Officer Lopera did cycle<br/>20 the TASER again, correct?<br/>21 A. Yes.<br/>22 Q. Because, as you identified, Tashii Farmer<br/>23 was attempting to stand up, right?<br/>24 A. Yes.<br/>25 Q. And we're at 1:45 on the tape.</p> | <p>1 Q. Is Tashii Farmer complying?<br/>2 A. No.<br/>3 Q. So another TASER strike, right?<br/>4 A. Yes.<br/>5 Q. And that's within policy?<br/>6 A. Three, yes.<br/>7 Q. Correct?<br/>8 A. (No audible response.)<br/>9 Q. Now, you already said you would have gone<br/>10 hands on at that point, right?<br/>11 A. Correct.<br/>12 Q. With maybe a baton or hand strikes, right?<br/>13 A. Yes.<br/>14 Q. But it's still reasonable for<br/>15 Officer Lopera to do something different, correct?<br/>16 A. Yes.<br/>17 Q. Do you see officer -- excuse me.<br/>18 Do you see Tashii Farmer's left hand?<br/>19 A. Yes.<br/>20 Q. We're at 1:56 in the tape.<br/>21 What does it appear to be doing to you?<br/>22 A. Reaching behind his waist.<br/>23 Q. And could a reasonable officer perceive<br/>24 that to be reaching for a weapon?<br/>25 A. Yes. It's a common area people like to</p>   |



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 \* \* \* Videotaped Deposition \* \* \*

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| Page 142  | Page 144  |
|---|---|
| <p>1 carry weapons is in their waistband.</p> <p>2 Q. So in your training, when you hear somebody</p> <p>3 say they will comply but they physically aren't</p> <p>4 complying, so their mouth is doing something</p> <p>5 different than their hands, what do you pay attention</p> <p>6 to as an officer?</p> <p>7 A. Their hands.</p> <p>8 Q. It's what they're doing that matters more</p> <p>9 than what they're saying, correct?</p> <p>10 A. Yes.</p> <p>11 Q. And you would agree with me that although</p> <p>12 Tashii Farmer is saying that he will comply where he</p> <p>13 says, "I will," he is in fact not complying, correct?</p> <p>14 A. Correct.</p> <p>15 Q. So at this point, Officer Lopera does go</p> <p>16 hands on, correct?</p> <p>17 A. Yes.</p> <p>18 Q. And you can clearly see at 2:05 in the tape</p> <p>19 that Officer Lopera's left hand is grabbing Tashii</p> <p>20 Farmer, correct?</p> <p>21 A. Yes.</p> <p>22 Q. Grabbing, it looks like, his left arm.</p> <p>23 Would you agree with me?</p> <p>24 A. Yes.</p> <p>25 Q. Did you hear that other voice?</p>                                  | <p>1 A. Yes.</p> <p>2 Q. Why is that?</p> <p>3 A. The magnets to hold them on are weak at</p> <p>4 best.</p> <p>5 Q. And because Tashii Farmer is in contact</p> <p>6 with another human being?</p> <p>7 A. That's correct.</p> <p>8 Q. Okay. Did you hear Officer Lopera say,</p> <p>9 "Help me out"?</p> <p>10 A. Yes.</p> <p>11 Q. Have you ever asked a civilian for help in</p> <p>12 a confrontation with a suspect?</p> <p>13 A. Not that I can recall, no.</p> <p>14 Q. Would that indicate to you that</p> <p>15 Officer Lopera felt that he needed physical</p> <p>16 assistance?</p> <p>17 A. Yes.</p> <p>18 Q. Do Metro officers lightly ask for</p> <p>19 assistance from non-Metro officers or non-law</p> <p>20 enforcement?</p> <p>21 A. No.</p> <p>22 Q. If you were at a stop and I was walking by</p> <p>23 and you thought you needed help, would you ask a</p> <p>24 lawyer in a suit to help you?</p> <p>25 A. If I needed it.</p>  |
| Page 143  | Page 145  |
| <p>1 A. I don't know what it said, but I did hear</p> <p>2 another voice.</p> <p>3 Q. So in the police report, in the arrest</p> <p>4 report, it says, "Okay, sir, okay, sir." It</p> <p>5 identified this timestamp around 2:05 to 2:08. I</p> <p>6 want to back it up and have you listen to it real</p> <p>7 briefly again. A little imprecise on this. I want</p> <p>8 you to listen for that "Okay, sir, okay, sir."</p> <p>9 And my question is: Is that Tashii Farmer,</p> <p>10 is it Ken Lopera, or is it a third party?</p> <p>11 MR. LAGOMARSINO: Form, foundation.</p> <p>12 THE WITNESS: I think it was Mr. Farmer.</p> <p>13 BY MR. McNUTT:</p> <p>14 Q. You think it's someone other -- it's not</p> <p>15 Ken Lopera?</p> <p>16 A. No, it's not Ken.</p> <p>17 Q. Okay. The Venetian security guard</p> <p>18 testified that that was him.</p> <p>19 A. Okay.</p> <p>20 Q. So I just wanted to know if that was</p> <p>21 something that you could tell.</p> <p>22 MR. LAGOMARSINO: Move to strike.</p> <p>23 BY MR. McNUTT:</p> <p>24 Q. At this point, the body cam is getting a</p> <p>25 little shaky, right?</p> | <p>1 Q. If you absolutely needed it, right?</p> <p>2 A. Yes.</p> <p>3 Q. But you wouldn't make that request lightly,</p> <p>4 correct?</p> <p>5 A. That's correct.</p> <p>6 Q. Would you say that you were in fear of</p> <p>7 physical harm in order to make that request?</p> <p>8 A. Yes.</p> <p>9 Q. Do you think Ken Lopera was in fear of</p> <p>10 physical harm at this point where he asked someone</p> <p>11 else to help him?</p> <p>12 MR. LAGOMARSINO: Form, foundation.</p> <p>13 THE WITNESS: Yes.</p> <p>14 BY MR. McNUTT:</p> <p>15 Q. So at this point, we're 2:22 on the tape,</p> <p>16 and we see several other people around Tashii Farmer</p> <p>17 and Ken Lopera, correct?</p> <p>18 A. Yes.</p> <p>19 Q. And we cannot see their faces.</p> <p>20 And so, do you recognize their pants as</p> <p>21 being Metro officer pants?</p> <p>22 A. No.</p> <p>23 Q. And we know from other depositions, there's</p> <p>24 no secret here, that those are other Venetian</p> <p>25 security guards.</p> |

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 \* \* \* Videotaped Deposition \* \* \*

38 (Pages 146 to 149)

| Page 146  | Page 148  |
|---|---|
| <p>1 MR. LAGOMARSINO: Move to strike.</p> <p>2 BY MR. McNUTT:</p> <p>3 Q. But for our purposes, it's sufficient that</p> <p>4 you know -- or for your testimony, you would agree</p> <p>5 with me those are not LVMPD officers?</p> <p>6 A. Correct.</p> <p>7 Q. At this point, 2:22, can you see, tell me</p> <p>8 what physical position Tashii Farmer is in?</p> <p>9 A. He's sitting on the ground.</p> <p>10 Q. So he's sitting up, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Does it appear to you that Ken Lopera has</p> <p>13 got a couple feet between him or he's not in physical</p> <p>14 contact at that point?</p> <p>15 A. That's correct.</p> <p>16 Q. Do you think Tashii Farmer is complying</p> <p>17 with police orders at this point?</p> <p>18 MR. LAGOMARSINO: Form, foundation.</p> <p>19 THE WITNESS: I don't remember the last</p> <p>20 order that he gave, so I don't know if he's --</p> <p>21 BY MR. McNUTT:</p> <p>22 Q. Okay. We'll watch a little further.</p> <p>23 Hear that "Okay, sir, okay, sir" again?</p> <p>24 A. Yes.</p> <p>25 Q. Do you identify that as Officer Lopera?</p> | <p>1 someone intending to comply with lawful commands?</p> <p>2 A. They're not going to comply.</p> <p>3 Q. Is it reasonable for your partner,</p> <p>4 Ken Lopera, to put Tashii Farmer in a lateral</p> <p>5 vascular neck restraint at this point?</p> <p>6 A. Yes.</p> <p>7 MR. LAGOMARSINO: Foundation.</p> <p>8 BY MR. McNUTT:</p> <p>9 Q. Is it reasonable for Officer Lopera to use</p> <p>10 hand strikes on Tashii Farmer at this point?</p> <p>11 A. Yes.</p> <p>12 Q. Would it be reasonable for Tashii -- excuse</p> <p>13 me -- for Officer Lopera to use a baton to hit Tashii</p> <p>14 Farmer at this point?</p> <p>15 MR. LAGOMARSINO: Form, foundation.</p> <p>16 THE WITNESS: Yes.</p> <p>17 (End of excerpts from Officer</p> <p>18 Lopera's body-worn camera.)</p> <p>19 MR. McNUTT: I have no further questions.</p> <p>20 Thank you.</p> <p>21 MR. LAGOMARSINO: I've got some questions.</p> <p>22</p> <p>23 FURTHER EXAMINATION</p> <p>24 BY MR. LAGOMARSINO:</p> <p>25 Q. Do you need a break?</p>  |
| Page 147  | Page 149  |
| <p>1 Just "Yes" or "No"?</p> <p>2 A. No.</p> <p>3 Q. Do you identify that as Tashii Farmer what</p> <p>4 you've heard so far?</p> <p>5 A. Yes.</p> <p>6 Q. Now, as we watch this, I want you to tell</p> <p>7 me if at any point you see or hear Tashii Farmer</p> <p>8 strike Ken Lopera.</p> <p>9 THE WITNESS: Can you play that back again,</p> <p>10 please.</p> <p>11 BY MR. McNUTT:</p> <p>12 Q. So we're at 2:37 where I stopped it --</p> <p>13 A. Yes.</p> <p>14 Q. -- and I'll play it back to 2:24.</p> <p>15 So tell me, on or about when you see or</p> <p>16 hear Tashii Farmer strike Ken Lopera.</p> <p>17 MR. LAGOMARSINO: Form, foundation.</p> <p>18 THE WITNESS: Right there.</p> <p>19 BY MR. McNUTT:</p> <p>20 Q. So around 2:34 on the tape, correct?</p> <p>21 A. Yes.</p> <p>22 Q. Is striking an officer a crime in the State</p> <p>23 of Nevada?</p> <p>24 A. Yes.</p> <p>25 Q. Is striking an officer indicative of</p>  | <p>1 A. (No audible response.)</p> <p>2 Q. If a police officer is violating a</p> <p>3 citizen's rights by using excessive force, is the</p> <p>4 citizen allowed to strike the officer in</p> <p>5 self-defense?</p> <p>6 MR. McNUTT: Objection --</p> <p>7 MR. ANDERSON: Objection, form.</p> <p>8 MR. McNUTT: -- inflammatory,</p> <p>9 argumentative.</p> <p>10 THE WITNESS: I'm not aware of that.</p> <p>11 BY MR. LAGOMARSINO:</p> <p>12 Q. So have you ever been trained at Metro that</p> <p>13 if an officer is violating a citizen's rights by</p> <p>14 using excessive force that the citizen is allowed to</p> <p>15 defend themselves by striking the officer?</p> <p>16 A. I don't recall.</p> <p>17 Q. I'm just going to jump around a little bit.</p> <p>18 So you had a question about Tashii Farmer</p> <p>19 reaching into the waistband and whether that could</p> <p>20 possibly be a weapon.</p> <p>21 Were the TASER prongs also in the area of</p> <p>22 his waist?</p> <p>23 A. Yes.</p> <p>24 Q. So was it also possible that -- did you</p> <p>25 interpret that to be Tashii trying to remove the</p> |



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## \* \* \* Videotaped Deposition \* \* \*

39 (Pages 150 to 153)

| Page 150   | Page 152  |
|--|---|
| <p>1 TASER prongs from him, his waist?</p> <p>2 A. It's likely, but the way that I've been</p> <p>3 trained that that's the immediate area, both front</p> <p>4 and back, is common where weapons are placed.</p> <p>5 Q. Did you find -- strike that.</p> <p>6 You heard Ken Lopera make many commands,</p> <p>7 correct?</p> <p>8 A. Yes.</p> <p>9 Q. Would you make commands in that fashion?</p> <p>10 A. Yes.</p> <p>11 Q. Did you find his commands to be confusing?</p> <p>12 MR. McNUTT: Objection, form.</p> <p>13 THE WITNESS: Yes. There wasn't -- I feel</p> <p>14 like there wasn't enough time given for compliance.</p> <p>15 BY MR. LAGOMARSINO:</p> <p>16 Q. When you looked in the beginning of the</p> <p>17 interaction, did you see the doors that went into the</p> <p>18 service area?</p> <p>19 A. Yes.</p> <p>20 Q. Did you see the big, bright red exit sign</p> <p>21 lit up above that door?</p> <p>22 A. I don't recall in the video.</p> <p>23 Q. Would a big, bright exit sign indicate to</p> <p>24 you that somebody can exit out that door?</p> <p>25 A. Yes.</p>        | <p>1 A. Not to my knowledge.</p> <p>2 Q. What certifications do you have? I know</p> <p>3 you said you're crisis intervention. I guess let me</p> <p>4 rephrase.</p> <p>5 A. There's a handful.</p> <p>6 Q. Relevant to this case, what certifications</p> <p>7 do you have?</p> <p>8 A. None that come to mind other than the</p> <p>9 crisis intervention. But I haven't looked at my</p> <p>10 training, I guess, completions.</p> <p>11 Q. Okay. This is a question I'll ask, I'm not</p> <p>12 sure if you know the answer or not.</p> <p>13 If you're fired -- you made the</p> <p>14 reference -- not you, sorry.</p> <p>15 If an officer is fired, do they lose</p> <p>16 certain benefits as opposed to retiring?</p> <p>17 MR. McNUTT: Objection, form, foundation.</p> <p>18 THE WITNESS: To my knowledge, yes.</p> <p>19 BY MR. LAGOMARSINO:</p> <p>20 Q. And what do you base your knowledge on?</p> <p>21 A. Just from what I've heard what people do.</p> <p>22 Q. And you've heard that from Metro?</p> <p>23 A. I think just through, for lack of a better</p> <p>24 term, the grapevine.</p> <p>25 Q. Okay.</p> |
| Page 151   | Page 153  |
| <p>1 Q. There was some testimony early about where</p> <p>2 the people were who were cleaning.</p> <p>3 Have you ever been in a casino and seen</p> <p>4 employees cleaning in public areas?</p> <p>5 A. Yes. At the casino floor, vacuuming or --</p> <p>6 yes.</p> <p>7 Q. And the area where Officer Lopera was over</p> <p>8 by looked like some coolers where some drinks were?</p> <p>9 A. Yes.</p> <p>10 Q. I'm not asking you based on your</p> <p>11 recollection, I'm asking based on the video.</p> <p>12 A. On the video, yes.</p> <p>13 Q. And the cleaning equipment was actually in</p> <p>14 a public area, correct?</p> <p>15 A. Yes.</p> <p>16 Q. You had some questions about whether you're</p> <p>17 trained in the academy or not to recognize somebody</p> <p>18 who is under the influence of intoxicants or</p> <p>19 substances.</p> <p>20 Is there a specific designation called drug</p> <p>21 recognition expert for Metro?</p> <p>22 A. Yes.</p> <p>23 Q. Are you a drug recognition expert?</p> <p>24 A. No, sir, I am not.</p> <p>25 Q. Was Lopera, to your knowledge?</p> | <p>1 If you were in Officer Lopera's situation,</p> <p>2 what would you have done differently?</p> <p>3 MR. ANDERSON: Objection, form.</p> <p>4 MR. McNUTT: Join.</p> <p>5 THE WITNESS: Called in sick or a vacation</p> <p>6 day and not been to work.</p> <p>7 BY MR. LAGOMARSINO:</p> <p>8 Q. Besides that.</p> <p>9 A. Okay. Not follow it. I would have used</p> <p>10 discretion.</p> <p>11 Q. Do you feel like he abused his discretion?</p> <p>12 MR. McNUTT: Objection, form.</p> <p>13 MR. ANDERSON: Objection, form.</p> <p>14 THE WITNESS: I don't understand your</p> <p>15 question.</p> <p>16 BY MR. LAGOMARSINO:</p> <p>17 Q. Did you feel like Officer Lopera abused his</p> <p>18 discretion by following --</p> <p>19 A. Oh, abused discretion. I thought you said</p> <p>20 abused the question.</p> <p>21 Q. Sorry.</p> <p>22 A. Oh, abused discretion? I don't think</p> <p>23 abused is the right word. I think maybe there were</p> <p>24 other appropriate options.</p> <p>25 Q. What did Officer Lopera do, in your view,</p>   |

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\* \* \* Videotaped Deposition \* \* \*

40 (Pages 154 to 157)

| Page 154  | Page 156   |
|---|--|
| <p>1 that was different from how you were trained to react</p> <p>2 when the situation became an altercation?</p> <p>3 A. Control the hands. That was my main --</p> <p>4 that's why after the first cycle I said I would have</p> <p>5 gone hands on is to control the hands.</p> <p>6 You can have -- you can have a knife in</p> <p>7 your ankle, you could be armed. If I control your</p> <p>8 hands, I'm going to be okay.</p> <p>9 Q. Okay. Going back to the question about the</p> <p>10 custody plan in the transcript.</p> <p>11 A. Yes.</p> <p>12 Q. In reference to a different question, you</p> <p>13 said to me -- I'm not sure if the transcriptionist or</p> <p>14 recorder got it right -- is it possible that when you</p> <p>15 said, "We did it --" when it says on the paper, "We</p> <p>16 did have a custody plan," that you said, "We didn't</p> <p>17 have a custody plan"?</p> <p>18 A. It's possible.</p> <p>19 Q. Would you defer to the audio recording?</p> <p>20 MR. McNUTT: Objection, form. Attempts to</p> <p>21 misstate a clear record.</p> <p>22 THE WITNESS: I don't recall having --</p> <p>23 MR. LAGOMARSINO: Oh, you've never seen</p> <p>24 somebody mess up a transcript before?</p> <p>25 MR. McNUTT: Only this one.</p> | <p>1 Q. It could not be an indicator, right? I</p> <p>2 mean, some people are just paranoid, right?</p> <p>3 A. Yes.</p> <p>4 Q. And if you had to arrest every person who</p> <p>5 was publicly intoxicated, which is a crime in the</p> <p>6 State of Nevada, correct, you would be arresting --</p> <p>7 you wouldn't stop arresting people on the Strip,</p> <p>8 correct?</p> <p>9 A. Correct.</p> <p>10 MR. LAGOMARSINO: I don't have any more</p> <p>11 questions at this point.</p> <p>12 MR. McNUTT: Just a couple follow-ups.</p> <p>13</p> <p>14 FURTHER EXAMINATION</p> <p>15 BY MR. McNUTT:</p> <p>16 Q. You said that there was not enough time for</p> <p>17 compliance with Ken Lopera's orders?</p> <p>18 A. From my perception, but he might have had</p> <p>19 another impression that I didn't know. I mean,</p> <p>20 that's just what I would have done. That doesn't</p> <p>21 mean it's right or wrong or indifferent.</p> <p>22 Q. So when Ken Lopera said, "Don't move"--</p> <p>23 A. And he moved.</p> <p>24 Q. -- and he moved, how long was Ken supposed</p> <p>25 to wait to see if he was going to comply?</p> |
| Page 155  | Page 157   |
| <p>1 MR. LAGOMARSINO: Okay.</p> <p>2 THE WITNESS: I don't recall having a</p> <p>3 custody plan predetermined as of today.</p> <p>4 BY MR. LAGOMARSINO:</p> <p>5 Q. Now, there was a question, and I just want</p> <p>6 to make sure the record is clear, about -- Mr. McNutt</p> <p>7 asked what's he trying to do there, and you said,</p> <p>8 "Stand up."</p> <p>9 When he was asking you that question, the</p> <p>10 video was paused, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Farmer was not on his feet, correct?</p> <p>13 A. Correct.</p> <p>14 Q. It looked like he was sitting, correct?</p> <p>15 A. Correct.</p> <p>16 Q. If somebody is sweaty, does that mean</p> <p>17 they're suffering from excited delirium?</p> <p>18 A. No.</p> <p>19 Q. If somebody is paranoid, does that mean</p> <p>20 they're suffering from excited delirium?</p> <p>21 A. No.</p> <p>22 Q. If somebody is sweaty and paranoid, does</p> <p>23 that mean that somebody is suffering from excited</p> <p>24 delirium?</p> <p>25 A. It could be an indicator.</p>   | <p>1 A. There's no set time.</p> <p>2 Q. So when you give somebody an order and they</p> <p>3 immediately disobey it, you don't have to --</p> <p>4 A. That's correct.</p> <p>5 Q. -- wait, correct?</p> <p>6 A. Correct.</p> <p>7 Q. And if you told somebody to do a specific</p> <p>8 thing and you waited three to five seconds and they</p> <p>9 were disobeying that entire time, like between TASER</p> <p>10 cycles, would that be enough time?</p> <p>11 A. Yes.</p> <p>12 Q. Have you ever seen anybody -- let's go back</p> <p>13 to the question about -- when the video was paused.</p> <p>14 When the video was paused, Tashii Farmer</p> <p>15 prior to that was laying on his back, correct?</p> <p>16 A. Correct.</p> <p>17 Q. And you said it looked like he was trying</p> <p>18 to stand up, correct?</p> <p>19 A. Correct.</p> <p>20 Q. Have you ever seen anyone not move through</p> <p>21 a sitting position to get to standing up from their</p> <p>22 back?</p> <p>23 A. No.</p> <p>24 Q. I mean, you have to have some intermediate</p> <p>25 position when you go from lying on your back to</p>                   |

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 \* \* \* Videotaped Deposition \* \* \*

41 (Pages 158 to 161)

|  |   |
|--|---|
| <p style="text-align: right;">Page 158</p> <p>1 standing up, correct?</p> <p>2 A. Correct.</p> <p>3 Q. Would you like to watch the video again to</p> <p>4 verify that you believe he was trying to stand up?</p> <p>5 A. No.</p> <p>6 Q. Out of the academy, is a Metro officer</p> <p>7 trained to identify indicators that a person is on</p> <p>8 drugs?</p> <p>9 A. Yes.</p> <p>10 Q. So you don't have to have any other</p> <p>11 specialized training, a uniformed officer on patrol</p> <p>12 is trained to identify somebody that's on drugs?</p> <p>13 A. Yes.</p> <p>14 Q. You said that the other options -- and you</p> <p>15 earlier said that he could have used his OC spray, he</p> <p>16 could have used his baton to strike someone, in this</p> <p>17 case Tashii Farmer, he could have used hand strikes?</p> <p>18 A. Yes.</p> <p>19 Q. Could have used the LVNR. All of those</p> <p>20 things would have been authorized by policy, correct?</p> <p>21 A. Yes.</p> <p>22 Q. And you think all those things would have</p> <p>23 been okay for Ken Lopera to do, correct?</p> <p>24 A. Yes.</p> <p>25 Q. Let's just get --</p> | <p style="text-align: right;">Page 160</p> <p>1 A. Yes.</p> <p>2 Q. Do you know how big, tall or weight-wise</p> <p>3 Tashii Farmer --</p> <p>4 A. I don't recall exact. I believe he was</p> <p>5 taller than I was.</p> <p>6 Q. Okay. And is it your testimony that</p> <p>7 instead of using a TASER that would give you some</p> <p>8 feet of standoff that you would routinely go hands on</p> <p>9 with a male suspect that was taller and bigger than</p> <p>10 you?</p> <p>11 A. I wouldn't say routinely, but the way that</p> <p>12 his hands were placed, I felt like I could have had</p> <p>13 an advantage to do so.</p> <p>14 Q. But again, one officer can do one thing,</p> <p>15 one officer can do the other, they're both -- you can</p> <p>16 articulate them as to why you did that, correct?</p> <p>17 A. Correct.</p> <p>18 Q. Neither one is wrong?</p> <p>19 A. Correct.</p> <p>20 Q. Do you know sitting here today whether or</p> <p>21 not Tashii Farmer was under the influence of a</p> <p>22 controlled substance?</p> <p>23 A. Now I know. Yes, today, I do know.</p> <p>24 Q. So in fact, if Officer Lopera perceived</p> <p>25 that Tashii Farmer was under the influence of a</p> |
| <p style="text-align: right;">Page 159</p> <p>1 THE VIDEOGRAPHER: Hold on, guys. Sorry.</p> <p>2 I just had an issue.</p> <p>3 (Pause in proceedings.)</p> <p>4 THE VIDEOGRAPHER: We're back on the</p> <p>5 record.</p> <p>6 MR. McNUTT: Okay.</p> <p>7 BY MR. McNUTT:</p> <p>8 Q. We were talking about other options, right,</p> <p>9 and you said control the hands, meaning do you -- is</p> <p>10 it your opinion in response to Mr. Lagomarsino's</p> <p>11 question that instead of cycling the TASER,</p> <p>12 Ken Lopera should have attempted to control Tashii</p> <p>13 Farmer's hands?</p> <p>14 A. He could have.</p> <p>15 Q. Okay, but it wasn't wrong for him to use</p> <p>16 the TASER, again, that's just your perception?</p> <p>17 A. Correct.</p> <p>18 Q. How tall is Ken Lopera, do you know, would</p> <p>19 you estimate?</p> <p>20 Is he taller than you?</p> <p>21 A. No. Maybe about the same.</p> <p>22 Q. Okay. How tall are you?</p> <p>23 A. I'm 5-11.</p> <p>24 Q. And your partner was about the same</p> <p>25 height?</p>  | <p style="text-align: right;">Page 161</p> <p>1 controlled substance, it turns out he was right,</p> <p>2 correct?</p> <p>3 MR. LAGOMARSINO: Objection, vague as to</p> <p>4 controlled substance.</p> <p>5 BY MR. McNUTT:</p> <p>6 Q. Correct?</p> <p>7 A. Correct.</p> <p>8 Q. Do you have any understanding that Tashii</p> <p>9 Farmer was on illegal methamphetamines?</p> <p>10 A. I do understand that now.</p> <p>11 MR. McNUTT: Okay. I have no further</p> <p>12 questions.</p> <p>13</p> <p>14 FURTHER EXAMINATION</p> <p>15 BY MR. LAGOMARSINO:</p> <p>16 Q. All right, just a couple follow-ups.</p> <p>17 You were asked the question earlier would</p> <p>18 you intervene to stop Ken Lopera from running after</p> <p>19 Tashii.</p> <p>20 Do you remember that generally?</p> <p>21 A. Yes.</p> <p>22 Q. If you saw Ken Lopera placing Tashii in an</p> <p>23 LVNR for over a minute or even over 30 seconds and</p> <p>24 Tashii wasn't moving, would you intervene to stop</p> <p>25 that?</p>  |

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\* \* \* Videotaped Deposition \* \* \*

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|---|---|
| <p>1 A. Yes.</p> <p>2 MR. McNUTT: Objection, form --</p> <p>3 MR. ANDERSON: Objection.</p> <p>4 MR. McNUTT: -- assumes facts not in</p> <p>5 evidence.</p> <p>6 MR. ANDERSON: Join.</p> <p>7 BY MR. LAGOMARSINO:</p> <p>8 Q. Does tasing cause people to move?</p> <p>9 A. After the cycle, it can, but for that five</p> <p>10 seconds, it's -- if there's a complete circuit to get</p> <p>11 neuromuscular incapacitation, then they don't move.</p> <p>12 Q. Does tasing people to have distorted</p> <p>13 perception?</p> <p>14 MR. McNUTT: Objection, form, vague.</p> <p>15 MR. LAGOMARSINO: Let me rephrase.</p> <p>16 BY MR. LAGOMARSINO:</p> <p>17 Q. Does tasing hurt?</p> <p>18 A. I believe --</p> <p>19 MR. McNUTT: Objection, form.</p> <p>20 THE WITNESS: Thankfully, I've never been</p> <p>21 tased.</p> <p>22 BY MR. LAGOMARSINO:</p> <p>23 Q. Have you been trained that tasing causes</p> <p>24 pain to its subjects?</p> <p>25 A. Yes.</p>   | <p>1 THE REPORTER: Mr. McNutt, did you need a</p> <p>2 copy of the transcript?</p> <p>3 MR. McNUTT: I do.</p> <p>4 MR. ANDERSON: I do.</p> <p>5 MR. McNUTT: PDF, please.</p> <p>6 MR. ANDERSON: Yes, I will also take one.</p> <p>7 (The deposition was concluded at</p> <p>8 1:49 p.m.)</p> <p>9</p> <p>10 * * * * *</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>   |
| Page 163  | Page 165  |
| <p>1 Q. Is it unusual for someone to try to remove</p> <p>2 prongs from them when they've been tased?</p> <p>3 A. I've only seen it happen in a controlled</p> <p>4 environment.</p> <p>5 Q. Have you had any training, additional</p> <p>6 training, as a result of this incident, either</p> <p>7 department wide?</p> <p>8 A. Use-of-force model has changed. You no</p> <p>9 longer can use the LVNR in lower levels of force.</p> <p>10 I don't recall anything specific that had</p> <p>11 been put out for me.</p> <p>12 I've made it more of a point to read</p> <p>13 policy.</p> <p>14 MR. LAGOMARSINO: Okay. All right. No</p> <p>15 further questions. Thank you.</p> <p>16 MR. McNUTT: No further questions.</p> <p>17 MR. ANDERSON: I have nothing.</p> <p>18 THE VIDEOGRAPHER: This concludes the video</p> <p>19 deposition of Ashley Lif.</p> <p>20 The original media of today's testimony</p> <p>21 will remain in the custody of Las Vegas Legal Video.</p> <p>22 The time is approximately 1:48 p.m. We are</p> <p>23 going off the record.</p> <p>24 (The following occurred off the</p> <p>25 video record.)</p> | <p>1 CERTIFICATE OF DEPONENT</p> <p>2 PAGE LINE CHANGE REASON</p> <p>3 _____</p> <p>4 _____</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 I, OFFICER ASHLEY LIF, deponent herein, do</p> <p>20 hereby certify and declare the within and foregoing</p> <p>21 transcription to be my deposition in said action;</p> <p>22 that I have read, corrected and do hereby affix my</p> <p>23 signature to said deposition.</p> <p>24 _____</p> <p>25 OFFICER ASHLEY LIF</p> |

Officer Ashley Lif ~ April 4, 2019  
\* \* \* Videotaped Deposition \* \* \*

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CERTIFICATE OF REPORTER

I, Cynthia K. DuRivage, a Certified Court  
Reporter of the State of Nevada, do hereby certify:

That the foregoing proceedings were taken  
before me at the time and place herein set forth;  
that any witnesses in the foregoing proceedings,  
prior to testifying, were duly sworn; that a record  
of the proceedings was made by me using machine  
shorthand which was thereafter transcribed under my  
direction; that the foregoing transcript is a true  
record of the testimony given.

I further certify I am neither financially  
interested in the action nor a relative or employee  
of any attorney or party to this action.

IN WITNESS WHEREOF, I have this date  
subscribed my name.

Dated: April 15, 2019

CYNTHIA K. DuRIVAGE  
CCR No. 451